App. F. IX-4

*Previous References*

1931 . 32
Legis ).

**File No.** 30 – 31
**Serial Nos.** Notes

**PRESERVED**

*Later References*
Legis Dep No. 96 of 31 Ecol 103-38 (1-6)
LB 54-31-6, 12
Geol 77-32 (1-2)

# General and Revenue Secretariat.

---

*Serial Nos.*

**Part B for** August 1931

---

SUBJECT.

Papers relating to the question of amending the Mysore Mines Regulation re the undesirables in K. G. F.

---

M. Abdul Aziz
– Sepr – 1931

G. R. S. III—31

Eccl 41-24

# ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. G. No. 1366

R. A. Subject no. 7 of the Dasara Session of 24-

1) The question of amending the Regulation, IV of 06 is an important one. If approved the Chief Inspector of Mines will be consulted as regards the necessity for the amendment proposed by the member.

2) For orders

No. 18/9/24

3) The Dy Comr says that the ~~Such~~ rule is worked with consideration, that an appeal lies to the Dist Magte and that therefore he is not in favour of abrogation of the rule —

4) It is for consideration whether the Chief Inspector's opinion should also be called for. Seems unnecessary as not likely to differ the Dy Comr

Rev Secy

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Dasara Reference

1366

No: 50
Oct: 2

G. R. S. III—3]

Genl 41-24

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

A

Subd. with references.

20.9.24

B

Issue

23/9/24

Reply sent to Secy R. A.

I C 2171

Genl 41-24-2

(vide para 6 of note).

B

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Recd 28/4

Ecd. 41-24

Subject No. 59

~~Amend~~ Amendment of Section
9) 17 of the Mysore Mines Regn. 1906

Dewan's reply.

(b) Government will obtain statistics as to the no. of such cases within the last 5 years, how many of them were outside people and how many local ryots, and then consider what remedy is necessary.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record].

Section 17 of the Mines Regulation :—

x

P

7 (Para 7).

The Mysore Mines Regulation was first introduced in 1897. (No. III of 1897) ~~wh~~ & there was no such provision in that Regn.

Dr. Smeeth in his note of 4.5.05 proposed the introduction of such a rule (Sectn. 18) for which no objection was raised. The Supdt. of the respective Mines had been first empowered to evict such undesirable.

Subsequently this power was conferred upon the Supdt. of Police & the ~~Subsequ~~ Section 17 was ~~accordingly~~ ~~suitably~~ amended. (Regn. No. IX of 1914)

A draft G. O. to the

The original files containing objects for the [illegible] [illegible] has been taken by the Pres. A Spare copy of this Council Procgs. on this subject is herewith put up for ready reference [illegible] file.

y

N. B.—Should routine notes be written on small slips, the notes must de copied, or slips pasted on this form.

W D 1860—GPB—1,50 000—2-5-21

6    4936

G. R. S. III—3]

## ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

Dir. of Geol. is asked. for appl. as per oral orders of the Secy.

26/3/25

For appl.

Rev Secy

Appd

27.3

To
R. Jayaram Esq. F.G.S.
D.O. no. I.C. 6452 d/ 28/3

Requests him to send the Geol. Dept. file containing the then Geol. Secy's note no. 158 of 4/3/05 and also foreign acts or Regulations relating to control over mines if available.

gns A

Seen

The office wrote to the Dir. of Geology.
O. no: 1540 d 4.4.25

Forwards Geol. Office file no. 43904-05 re amendments

GEN. & REV. SECRETARIAT
3 - APR 1925
INDUSTRIES & COMMERCE BRANCH.

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

4934

G. R. S. III—3]

# ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

to Mines Regn. & states that copies of recent editions of acts &ca. in force in foreign countries are not available.

The introduction of a new Section was first proposed by the K. G. F. Mining Board on 11.2.1905 and was included in the ˣdraft. (as Sec. 18) & modified 1914.

Filed with the file recd. from the Geol. office.

V

20
6/4/25.

Kind attention invited to Para 13 of the KGF Min. Board's letter d. 11th Feby 1905 to Govt. Rev. Dept.

MP
8/4

Flag. V.

Please take an extract of the relevant portion of Fl. V. & keep for reference & then return the file.

R
8

MP
9/4

Typed Extract (as marked) & then return file.

MP 28/5

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1860—GPB—1,50 000—2'5-21

6

v934

G. R. S. III—3]

# ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Extract of letter No 11.2.1905 from the Secy. K.G.F. Mining Board to the Secy. to Govt. Genl. Dept. taken as per instructions of the Asst. Secy.

Offg. D.O. returning the G.O. file is put up for appl.

29.5.25 App.

29/5

Since ordered by the Asst. Secy. on the fair copy of the D.O. that file should not be retd. ~~that~~ now

29.5.25

*N. B.*—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

~~1366~~ 5550

neral and Revenue Secretariat. | Genl File No. 41 of 1924

Serial No

11) Subd. with a draft calling ~~for the~~ information required (Para 10 in p. 4)

20/30/4/25

12) 1/5

3 To

The Dist. Magistrate, Kolar
No. L.G. 7413 of 3/5
with reference to [illegible] calls for certain infor.

Sus A

4 Memorandum of subjects proposed for discussion in the Birth-day Sessi of R.A. in June 1925:-

GEN. & REV. SECRETARIAT
6-MAY 1925
INDUSTRIES & COMMERCE
BRANCH.

Amendment of Sectn 17 of Mysore Mines Regulation:-

13) Subd with remarks of the D.G. Geol re the proposed amendment.

page 4

L

14) With ~~para~~ reference to the Dewan's reply (in para 10 of notes) the Dt. Mag. has been asked to furnish statistics ~~[illegible]~~ on several points & their reply is due.

15) ~~For orders.~~

no 8/5/25

16) The necessity for amending the Regulation is not apparent. Govt can, however, consider the question after the receipt of certain statistics called for fm the Dr Gen & Dist Magt Kolar (Vide Dewan's reply at the last R.A. Session) WO & Rev Sy

NOTE—Contn. Sheet

5550

10 [G.R.S. III-2] WD 2119—GPB—10.000—27-4-25

Secl File No. 41 of 1924

General and Revenue Secretariat.

Serial No.

17) Please put up the note on a separate sheet – so that corrections may be made easily

Is it true that under Sec 17, a notice can be issued to any one in the Sanitary Board area? (1)

Please see the letter – Perhaps (2) the Mines Regt. I think it is the power conferred in the (3) Mining Board [illegible] to the [illegible] area –

[illegible]

R 8/5

MA 8/5

9/5

Note.—Contn. Sheet

5350

APP. F. III—2]

General and Revenue
Secretariat. Secl File No. 41 of 1924 9 11

Serial
No.

Note on points raised by the Secy. in his note d/ 8.5.25.

1) Re (1):- A notice to throw out not only undesirable residents but also all persons in whose case it is not desirable that they should be permitted to reside in the notified area ~~is necessary, to be issued at first~~ can be issued.

S, 9 & J letter no. G. 685/ Legis. 32-14-15 Para 3 of & letter no 316 d/ 10.11.20 from the D.S.P. K.G.F. with Mas.

(2) A copy of Mines Regⁿ is subd.

(3) This is a power vested in the Supdt. of Police, K.G.F. to prohibit any person from staying within the area notified under Sec. 17 and not ~~on~~ in the whole of Sanitary Board area, and the areas over which the provisions of this Sectⁿ are made applicable are notified in Notifⁿ no. J. 2208/ Legis. 32-14-6 d/ 11.12.15 & J. 1589/ Legis: 32-14-2 d/ 1.12.14

(4) During the R.A. Session of ~~Oct~~ 1917 the question of amending Sec. 17 of the Mysore Mines Regⁿ was brought forward (Subj. 169) and Govt. after obtaining

NOTE—Contn. Sheet

13

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Sect. Note

21) Under Sec. 17 of the Mines Regulation, the Supdt of Police K.G.F. may, by order in writing, direct any person considered undesirable to quit the area notified by Govt. from time to time such area is not conterminous with the Sanitary Board Area as mentioned in the representation. ~~The marginal heading for the section shows that it is only a mine is a Cooly colony that is usually so notified by Govt. (Also please see Flags 1 + 11. Notfn dated 11.12.'15 + 1.12.14)~~. Kind attention is also invited to Sec 4 of the Mines Regln which lays down that the provns of Secn 5 to 20 shall not apply to any local area unless extended thereto by the Govt by means of a Gazette notfn. In the G.O. of 11.12.'15 the operation of Sec 17 has been extended to certain areas round the mines,

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Robertsonpet
Andersonpet
Oorgaum village
Kinhnagini line &
Frank & Company line

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

as it was considered necessary to evict the undesirables who were to take up their abode in the outskirts of the mines, once they were served with notice to quit ~~from~~ the mines.

22) It is my bad characters that are proceeded agt under this Section. The memorial's proposal is to exempt Kandayam paying ryots and rate payers from the operation of this section. No infallible inference can be drawn from this fact that they are ~~not~~ undesirables or respectable men. There is provision under Sec 17 for an appeal to the Dt Magt, agt the order of the Supdt Police K.G.F.

UP

~~No amendment seems necessary~~ UP

~~Kind attention is also invited~~ ~~Dewan's reply at the last R.A. Session~~

(Para 20 of the notes above).

UP 14/5

Rev Sry

23) Put for orders

15/5

382/15.5

24) Seen. I am not prepared to express any opinion on the ~~[illegible]~~ [illegible] to decide now. Secy Note may form any of the facts when any expression of opinion. [illegible] 15/5

UP 15/5

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

26) Form as revised by me UP 16/5

25) As Revised send to RA [illegible] 16/5

5756
5781
15

General and Revenue
Secretariat.

Geol File No. 41 of 1924

Serial No

5 To

The Secy. R. A. & Legi. Council
vide 7829 of 4-6-25
Furnishes a copy to the representation referred to in 26th

6 From the Secy. to Govt. C & L. Depts.
No. P. 6357-6094/R.A. 49-24-2 d/ 18.5.25.

Forwards a statement of promises made by the Dewan at the R. A. Session of Oct. 24.

7 From the Dt. Mag. Kolar

Forwards a statement showing the no. of notices &c issued under Sec. 17 of the Mines Regn. called for in Sl. 3.

27) A note on the subject has already been sent to the Secy. R. A. & Legis Council (vide Sl. 5).

28) Information obtained from the Dt. Mag. Kolar on points raised in this office No. D.C. 7413 d/ 2-5-25 is subd. for orders.

[illegible]
20/5/25

29) Flag U. is the st giving the details of notices served & cancelled (Sec 17. The Mines Regn.)

[illegible]
22/5

30) The stt is interesting. Sec 17 has been used almost always against outsiders.

[illegible]
25

31) The statement may be referred to ... need not be discussed at the R A Rev Sub

5.28
22.5.25

NOTE—Contn. Sheet

16

G.R.S. III-2]

WD 2119—GPB—10.000—27-4-25

General and Revenue
Secretariat

File No. 41 of 19 24

Serial No.

32)
Secy's note in p. 7.

"..... Please take an extract of the relevant portion of Flag V & keep for refce: & then return the file.

(Sd) K.V.A.

C.W. Binnings 8.4.25

(Sd) V.V.
9.4.25

33) Type extracts (marked) & then return the file

(Sd) V.V.
28.5.25

34) Extract of letter dt 11.2.1905 from the Secy to the K.G.F. Mining Board to the Secy to Govt. Genl Dept. taken as per instructions of the Asst. Secy.

35) Draft D.O. returning the file is put up.

29/5

Page 8.

Asst. Secy's orders
"Approved".
(Sd) V.V.
29.5.25

35

As per recent instructions from the Asst. Secy. [illegible] file now not sent.
30

Note—Contn. Sheet

5932 (17) B ii

General and Revenue Secretariat.

Edn File No. 41 of 1924

Serial No.

From the Secy. Legis. Council memo: No. 5197-9 d/ 28.5.25 forwards the resolution of Mr. B. Narasinga Rao at the ensuing Legis. Council Meeting in the matter of repealing Sec. 17 of the Mysore Mines Regulation.

Member's minute.

36) This may be submitted with previous papers relating to the subject. I believe some information was obtained recently about the No. of persons dealt with under Sec. 17 of M. M. Regn. ~~Sec~~

37) File relating to it may be also put up

(Sd) K. R. S.
29.5.25

Rev. Secy)

(Sd) K. V. A.
29.5.25

38) Refers.

(Sd) V. V.
[illegible].5.25

File D
[illegible] 77-26
(P.15)

39) Information obtained from the D. M. Kolar was subd. to the Member & the kind refce. is invited to the Member's orders thereon in para 31 (Page 15).

R.C.
3075/25

40) Sub. f formal.
The resolution is to recommend to Govt. the repeal of Sec 17 of the

(18)    5932

G.R.S. III-2]
Estt File No. 611 of 19 3
General and Revenue Secretariat

Mining Regt.
(Please also see Flag Q.)

Rev Sr
WH 30/5

(1) There is no use of putting up files relating to Regt. like this. Please put up a full note showing when the provision was made, the changes made in the provision from time to time, the representations if any made in the past & action taken by Govt. Refer to the statistics as to the classes of people to whom in the past the provision has been applied & the circumstances in which it was originally considered to have the provision.

(2) The note must be full.

Supdt. 1C –
Should put up this note. Time 2 days.

Subd ~~(a) When the Mysore Mines Regulation (III of 1897) was first introduced into the State of Mysore no provision for the eviction of a~~

NOTE—Contn. Shee.

for perusal.

As regards the class of people dealt with, statistics for the past 5 years only have been supplied, the figures for previous years not being available.

4.6.2[illegible]

The above note gives a brief history of the section.

The conditions in the K.G.F. as in all mining areas are peculiar & are radically different to those prevailing in ordinary areas. The labour employed on the mines in the K.G.F. is largely recruited from the surrounding Br. Indian districts and is drawn from the lowest strata of society. They are a desperate lot and have no great respect for law. The standards of discipline to be enforced over these can have necessarily to be stiffer than those applied for the rest of the community.

Again, the adoption of special measures is justified by the magnitude of the operations of the industry & the necessity of protecting the interests of large numbers of coolies

File No.                of 19 .

General and Revenue
Secretariat.

Serial
No.

[illegible]

NOTE—Contn. Sheet

Serial No

working underground. The

In these circumstances [illegible] appear to be desirable to abrogate the section altogether. It may perhaps be changed to the extent of having the power in the hands of the Spl Magistrate, who may also be required to give notice to the party concerned before passing decision.

For orders

1) Who is to be in charge of the Resol.

2) Whether the Resol is to be opposed

108 / 6.6

[illegible] 5/6

[illegible] 6/6

I think the resolution will have to be opposed. The Govt may however consider the question of vesting the power now conferred on the D.S.P. in the Special Magte instead.

I shall be in charge of the Resolution if approved by the Dewan.

[illegible]

Y4 10/6 8/6 7/6

Approved by LC & submit to LC

[illegible] 8/6

[illegible] 10/6

Dft. for approval [illegible]

Appd. Issue [illegible]

[illegible] 11/6

11.6

DEWAN'S OFFICE. Recd. 8 JUN 1925 9186

G.R.S. III-2]

5975 ✓

WD 2119—GPB—10 000—27

General and Reven. Secretariat.

File No. of 19 .

Serial No.

To the Secy, R. A. & L. C.
No. I.C. 8326 Dt. 11. 6. 1925
Informs him that the First Member will be in charge of the Resolution to be moved by Mr. B. Narasinga Rao at the ensuing Legis. Council.

Resubmitted

VS
11.6.25

For perusal after issue

11/6

202/11/6

This may be [illegible] samples [illegible]

12/6

19/6/6

18/6

Recd. [illegible] from the Member
Subd. for orders.

VS
25/6/25

25/6

25/6

431/26.6

26/6

491
General and Revenue
Secretariat.

ged iii-m
1268 J 31
~~Genl. P~~ File No. 41 of 1924.
5552

Serial No

I have already sent a note on the subject to the L & L Secy. 2 dys ~~ago~~

A draft letter to the D. G. P. in accordance with my suggestions contained in the note may be put up submitted for approval.

dc
28/6

8/1
29-6. WA
29/6

On enquiry in the Pro: Br. (Police Section) it is learnt that a draft has been subd. for appl.

If approved this file will be refd. to that Br.

~~For orders.~~

WG
30/6

M.
3/7/25 — ~~Asst Secy~~ Protn Br with the comps

8/1/7

LOCAL AND LEGISLATIVE SECRETARIAT.
III
30 JUN 1925
PROTECTION BRANCH
556/24
P

The question has been ordered to be dropped for the present. Hence the reference files put up by the Dev Bran are herewith returned.

10/9/31.

GEN. & REV. SECRETARIAT.
11 SEP. 31
DEVELOPMENT BRANCH.
B
23.11.31.

Initd for perusal. The papers will if approved be filed as no further action is required in this matter.

12.10.31.
13 KR

Yes
13/10/31

Note—Contn. Sheet

# Statement of Objects and Reasons.

It has been represented that the provisions of section 17 of the Mysore Mines Regulation, 1906, has been operating as a hardship from the point of view of the person to whom notice is given to quit the mining area, in as much as the term "undesirable" is not defined in the Regulation, no limit is laid down as to the period during which an order under the section should remain in force and no previous enquiry is prescribed nor any provision made to intimate to the undesirable the nature of the charge against him A resolution pointing out the said hardship and recommending its abrogation was moved in the Legislative Council Session of June 1925 by Mr. B.Narasinga Rao, who withdrew the resolution on the assurance of the Dewan President that all interests would be considered and final orders passed. The matter has been carefully considere

by Government and it is proposed to amend sectic

Bill annexed with a view to remove

omplained of.

rovisions of the Bill are:-

ides for giving an oppertunity t

to show cause against thenotice

n urgent cases.

to quit will have effect in

of His Highness the Maharaja

ly for six months, subject tc

necessary after that period.

on 'undesirable' is explai

b) of the Mysore Mines Re

ernment to invest the Kol

oard with powers to levy

levy taxes, rates or cesses within its area, but contains no provision for empowering the Board to write off sums due on account of any such taxes as irrecoverable. The amendment is intended to enable Government to give the necessary power to the Sanitary Board.

# REGULATION No. IX OF 1914.

(Received the assent of His Highness the Maharaja on the 20th day of August 1914).

A Regulation to amend the Mysore Mines Regulation, 1906.

Preamble.

Whereas it is expedient to amend the Mysore Mines Regulation, 1906: His Highness the Maharaja is pleased ~~t~~ to enact as follows:-

Substitution of a new section for section 17.

1. The following shall be substituted for Section 17, viz.-

Liability of undesirable person to be ordered off any mine or cooly colony.

"17. The Superintendent of Police for the Kolar Gold Fields may, by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable to quit the said area within twenty-four hours and such persons shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.

An Order passed under this section may be cancelled by ~~t~~ the Superintendent of Police or by the District Magistrate."

Amendment of Section 18.

2. The last sentence of Section 18 beginning with the word "any" and ending with "19" shall be omitted.

Amendment of Section 19.

3. In Section 19 of the said Regulation, for the words "an offence" in the first line, the words "any act prohibited" shall be substituted.

M. Visvesvaraya,

Dewan.

Statement showing the number of persons deal
with under Sec. 17 & 19 of the Mysore Mines Reg

| Official Year | No. prosecuted | No. Convicted |
|---|---|---|
| 1906-07 | 11 | 10 |
| 1907-08 | 22 | 20 |
| 1908-09 | 14 | 13 |
| 1909-10 | 34 | 32 |
| 1910-11 | 37 | 35 |
| 1911-12 | 23 | 23 |
| 1912-13 | 20 | 19 |
| 1913-14 | 10 | 10 |
| 1914-15 | 6 | 4 |
| 1915-16 | 6 | 5 |
| 1916-17 | 5 | 5 |
| 1917-18 | 1 | 1 |
| 1918-19 | 8 | 3 |
| 1919-20 | 8 | 7 |
| 1920-21 | 2 | 1 |
| 1921-22 | 11 | 10 |
| 1922-23 | 9 | 9 |
| 1923-24 | 14 | 14 |

No. 111 (1)

# MYSORE

# GEOLOGICAL DEPT.

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## TO THE DEWAN OF MYSORE

FOR ORDERS.

Letter from the Kolar Gold Field Mining Board, dated 11th February 1905, regarding amendment of Mines Regulation III of 1897.

---

I beg to forward herewith a lengthy letter from the Kolar Gold Field Mining Board pointing out certain particulars wherein, in the opinion of the Board, our present Mines Regulation requires alteration and offering certain suggestions as to the character of the amendments desired.

The suggested amendments deal with the protection of ~~the~~ Mining property and in particular a designed to hamper the illicit trade in Kolar gold which is a mittedly very extensive. The restrictions proposed are on which have been followed in Australia and the Transvaal and a in my opinion, sound and feasib I have had this matter under c sideration for some considerab

u 856

Referring to the copy
given to me by
Sir John Lambert,
Meanwhile I am writing
to the Commissioner at
once for further information
I shall be glad if
you would frame a draft
bill in consultation
with the Dep. Secy
if necessary — The
draft ought I think
be accompanied with a short
statement of reasons
& objects — Please
consult the Dep. Comr
of Kolar — As soon
as you are ready
I shall be glad to
read the draft. is
Early action
desirable

16.II.05

No. 120.

Read & seen by Secy
Resubmit this early for
orders.

time and am prepared to submit a draft amendment of the Regulation to embody such of the restrictions as appear to be necessary to protect the interests both of His Highness' Government and of the Mines, if I have your permission to do so. May I inform the Board that their letter will be taken into consideration at an early date?

Secy. to Govt.,
Geol Dept.

Dated, Bangalore,
14th February 1905.

755
15.2-05.

(3) Very Urgent

No. 904 - S.
Encls. 2.

Bangalore,
3rd Feb. 1905.

K.S. Chendrasekara Iyer, Esq., B.A., B.L.,
Deputy Secretary to the Government of
His Highness the Maharaja of Mysore
in the Gen. and Rev. Depts.

I have the honour to forward herewith a letter from the Kolar Gold Field Mining Board, dated the 11th February 1905, on the subject of amendments to the Mysore Mines Regulation, III of 1897.

2. The Dewan wishes to have a draft of such amendments as will meet the case, and has asked me to discuss the question with you and prepare a draft together with a statement of objects and reasons. To facilitate action I have made a rough draft (Draft I) on the lines suggested and enclose a copy of the same.

3. Will you kindly take the matter up as early as possible and make such suggestions as you may think necessary and desirable after which we can meet and discuss the question further.

4. I have several Colonial and other Acts which embody many of the proposals of Draft I, and if you would like to see them I will send them to you.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,

Geological Department.

(4)

GEOLOGICAL DEPARTMENT
1 MAR 05
No. 504-S.
MYSORE.

No. Y 2502 Gn: Draft Mines Legis: Regn:

**From**

**K. S. Chandrasekhara~~m~~ ~~Iyer~~ Aiyar Esq., B.A. B.L.,**

**Deputy Secretary to the Government of His Highness**
**the Maharaja of Mysore, General and Revenue Dept.**

**To**

Dr. W. F. Smeeth, M.A., D.Sc., &c.,
Secretary to Government, Geological Department.

Bangalore, the 1st March 1905.

General and Rev. Secretariat.

**Sir,**

I have the honor to acknowledge the receipt of your letter No. 904-S., dated the 23rd February 1905, forwarding a rough Draft of a Regulation to amend the Mysore Mines Regulation, III of 1897.

Regr. & reply as directed
A.S.
1/3/05

2. It would have facilitated my examination of the provisions of the draft Regulation, if the particulars in which they differ from those of the existing Regulation had been clearly indicated in the copy sent. I have now done so, all additions and alterations being either underlined or written in red ink, and references to the corresponding sections of Regulation III of 1897 being given in the margin.

3. The changes I have made are few and for the most part verbal, and do not call for detailed remark. Others are referred

5507
P 1824

Jn. 194

REPLY

(*To be written on this margin.*)

OFFICE OF THE FIRST
MEMBER OF COUNCIL.

NOTE

*Dated*.... 25th June............192 5.

With reference to the resolution ~~regarding~~ moved by Mr. B. Narasinga Rao at the recent session of the Legislative Council for the abrogation of section 17 of the Mines Regulation, a draft lett to the Inspector-General of Police may put up requesting him to ascertain and report (1) whether ~~by~~ before giving notice to the undesirables to quit the mining area under the above-mentioned section, any preliminary enquiry ~~was~~ made by the Super-intendent of Police and the parties concerned given an opportunity of showing cause why an order under the above sectio should not be passed against them; and (2) how the term "undesirable" is understood and what are the classes of people which are considered by the Police to come under this definition so as to justi action being taken against them.

2) The Inspector-General may also be asked to favour the Government with his opinion, in consultation with the District Magistrate of Kolar, the D.S.P. of the Kolar Gold Fields as well as the Mining Board as to whether the power of warning off undesirables from the mining area may not be vested in the Special [illegible] Kolar Gold Fields instead of the [illegible] as at present.

23/6

2

5507

918

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

3) Draft of a letter to the I. G. of Police in accordance with Member's orders put up
SGB
27/6

4) Issue
1/7

To
Insp G. of Police in Mysore
No P 22 d/ 3-7-25
calls for a report on the resolution of Mr. B. Narasimharao with his opinion as to vesting the power of warning off the undesirables from the mining Area in the Special Magistrate KGF instead of D.S.P.

From the same
No C 23/25 d/ 25-8-1925
States that a meeting was held on the 3rd instt at Oorgaum when the D.C. of Kolar, Supdt of the K.G.F. & himself were present

tha

Sec A
6/7

N B —Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

4) 3)

915

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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that it was ascertained that a preliminary enquiry was always held by the Supdt before the issue of a notice under Sec 17 of the Mines Regulations that notice is not issued when the evidence is prima facie clear & the person has many previous convictions to his credit, that the power of warning off undesirables should not be vested in the Special Magte but should remain with the Supdt

5) Subd with reference to para 2.

SSP 27/8

6) A relaxation of ~~pra~~ the present practice is suggested in the case of bona fide Kandaya paying ryots who are subjects of His Highness the relaxation being the limiting of the period of the notice to six months

7) Para 2 of the Ho letter details the several classes of persons included under the term 'undesirables'.

AM 27/8

8) Subd for perusal.

The I. G. P has submitted

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

pul

1 (4

[App. F. III—2

neral and Revenue
Secretariat

File No. 918 of 192

Serial No

the information on the points required by the 2nd Member

Ch. Secy)
1st Aug)

28/8

29-8

29.8

829/29.8

~~[illegible]~~
~~[illegible]~~
~~[illegible]~~

~~[illegible]~~
~~[illegible]~~

9) I should like to discuss this with L. & L. Secy — I shall be glad if he will bring up the file in person on Friday

1/9

1/9

8/4

10) Discussed with member.

11) Bring it ~~after~~ ~~[illegible]~~ at Mysore

22-9

22/9

12) To Mr B.S. Iyengar Please take this with your papers to Mysore & submit there

23/9

13) Resubmitted with refce to paras 11 & 12

24/9

Note—Contn. Sheet

5

IMMEDIATE

**REPLY**

*(To be written on this margin.)*

# Office of the Dewan of Mysore.

NOTE.

*Dated*...10th February 1926

Main 206.

DEWAN'S OFFICE.
REC. ON 10 FEB. 1926
Reg. No. 5926

(a) The file relating to the Resolution in the Legislative Council on the undesirables in the Kolar Gold Fields area together with the discussions thereon may be submitted to me for reference before this evening.

10/2

41-244

DEV. SECRETARIAT
10 FEB 1926
INDUSTRIES & COMMERCE
BRANCH.

D 4110 I.C.

The Secretary,
Legis. Council & R.A.,
with compliments.

15) The file has been obtained from the L & L Secretariat & is herewith subd.

16) A copy of the L.C. discussion on the subject is put up.

RR
10/2

17) Can these file go now

RR
10/2

L & L Secy with Compts

18) The file is ~~submitted~~ sent.

Secy, RA & LC
with Compts

Sd
10/2

19) Have we had all that further information which is intended with reference to replies

Govt Dewan

14) L & L Secy with Compts

RR

Sd
13/2

Police File No. 918/p of 192

Serial No

Q: no: 9:

21) Members orders on the file re interpellation by Mr C. Narasimhaiya at the Leg: Council held on 23.2.26.

" So far as the interpellation is concerned, no further action is necessary. This may be separated from the main file which may be noted on and submitted separately for orders".

Sd: K.R.S. 14.3.26.

22)
Lead for orders with ref to the above

19/3/26

Mr Clerk
Please put up a copy of the discussion on Mr Narasimhaiya's Resolution in the Legislative Council
23/3

Copy of the proc. has been put up
file B. 23/3

WD 11264—GPB—40,000—17-12-25

App. F. III—2]

General and Revenue Secretariat

File No.

of 192 8

Serial No.

23 Section 17 of the Mines Regulation (as amended in 1914) runs as follows:-

~~The following shall be substituted for Section 17 viz:-~~

Liability of undesirable person to be ordered off any mine or cooly colony.

"17. "The Superintendent of Police for the Kolar Gold Fields may, by order in writing, direct any person whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within twenty four hours and such person shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate."

[illegible] 52! of
the [illegible]

24) In the June Session of the Legislative Council in 1925 Mr.B.Narasinga Rao moved a resolution recommending that steps may be taken to repeal the above provision. The main grounds urged in -- support of the proposal were the following:-

(i) The term "undesirable" is not defined in the Regulation and it is not known when, under what circumstances and on what grounds the residence of any individual would be considered undesirable;

(ii) No limit is laid down as ~~the~~ to the period during which an order passed under the section should remain force;

(iii) No previous enquiry is prescribed and there is no provision to intimate to the undesirable the nature of the charge ~~or information~~ against him;

NOTE—Contn. Sheet

Serial No.

(iv) No opportunity is given to the man to meet the accusation against him and he is condemned without a trial;

(v) The appeal provided to the District Magistrate gives no real relief, as even then the appellant has no chance of knowing the accusation against him and as the District Magistrate on a perusal of the Superintendent's report accepts the latter's opinion.

Pages 536 & 537 [illegible]

25) In the course of the discussion on the resolution, the First Member of Council said that there was some force in the statement of Mr. Narasinga Rao that the absence of any definition of 'undesirable' in the section is likely to create some amount of hardship and that the question of making the provision more definite by defining the nature of the undesirability which will render a person liable to be brought under it would receive careful consideration of Government. Regarding the other points suggested, viz., vesting the power of warning off ~~undesira~~ undesirables in a Magistrate instead of the Superintendent of Police and the giving of a previous notice to the person concerned to show cause why he should not be warned, the Member said that Government would be prepared to consider the matter and take such action as may be necessary to mitigate the hardship brought to notice.

[illegible]

26) The Dewan finally said that all interests concerned would be considered and final orders passed, and on this assurance Mr. Narasinga Rao withdrew his resolution.

27) Mr.Narasinga Rao having himself said that he would be satisfied if the power of warning off undesirables is entrusted to the Special Magistrate, Kolar Gold Fields, who should be asked to give notice to the person complained against and hear him beforehand, there is no need to consider the question of repealing the provision. The point for consideration is what amendments are necessary in Section 17 of the Regulation to remedy the defects pointed out therein.

Page 1 of these notes

28) Under the orders of the First Member, enquiries were made of the I.G.of Police in regard to

(i) What are the classes of people who are taken to come under the term 'undesirable';

(ii) Whether, before issuing a notice to quit, any preliminary enquiry is held by the Supdt. of Police and the parties given an opportunity to show cause why an order under the section should not be passed against them; and

(iii) whether the power of warning off undesirables may not be entrusted to the Special Magistrate, K.G.F.

Flag V.

29) In reply, the I.G.of Police has stated that the term 'undesirable' is taken to include the following:-

a. All persons who have convictions for theft or receiving of mining material;

b. Under-ground gold thieves and those against whom there is such grave suspicion that they are stealing or receiving mining material or associates of such, as amounts to moral conviction;

c. Persons against whom there is strong presumption that they are recovering gold from coolies working on the Mines;

d. Disorganisers of labour;

e. Persons who for good reasons, the Superintendents of the Mines do not want on their properties.

(This latter definition is said to refer only to particular mines and not to the area in general).

30) It is stated that a preliminary enquiry is held by the Superintendent of Police before the issue of a notice. It is not however stated that the party is given opportunity to show cause why a notice should not be issued against him.

31) In regard to the vesting of the power in the Special Magistrate, K.G.F., the I.G. of Police states that at the meeting of the K.G.F.Mining Board at which himself, the D.C.Kolar and the Superintendent of Police, K.G.F. were present, it was unanimously held that the power of warning off undesirables should not be vested in the Spl. Magistrate, but should remain with the Supdt of Police and ~~that~~ that if the power were to be vested in the Magistrate, the provision might be abrogated altogether as the procedure will only result in a deadlock. A relaxation has however been proposed in respect of bona-fide Kandayam paying raiyats who are subjects of His Highness viz, that the notice in their case need be in force only for six months, subject to the issue of a further notice if necessary.

Serial No.

32) While speaking on the scope of the term 'undesirable', the I Member said that ~~the~~ it ~~was~~ 'was not intended by Govt that the section should be employed indiscriminately against all persons' and that 'the intention evidently was that the section should be applied only to persons who had no means of livelihood and employment and who were therefore considered to be a danger to the mines'

Subd with reference to Member's orders in para 21.

ASR
30/3

[illegible] 21 [illegible] Mysore [illegible] contrary [illegible] [illegible] printed page 174

(Ch Sec)

1st Kr.

1/4

5/4

6.4

112/6·4

33) As the D C of Kolar, the I.G.P as well as the Kolar Mining Board are all opposed to the power of warning off undesirables being taken away from the DSP and vested in the Spl Magte. I think we may drop this proposal in deference to their unanimous opinion

34) I think however, that with a view to guard against the arbitrary exercise of the powers of the DSP and to give the public a feeling of security, it is necessary that, ~~the words~~ we should define the term 'undesirable' and also that we should provide for the DSP giving notice to the 'undesirable' to show cause why ~~he~~ he should not be warned off the Fields before an ~~the~~ order to Eject is made

eneral and Revenue
Secretariat

File No. 418 GPS

of 192

Serial No.

to submit for the placing on record the reasons in full for the order passed by him

35) In urgent cases where the immediate removal of an undesirable is necessary, the D.S.P. may be ~~[illegible]~~ authorised to ~~[illegible]~~ make an order for the party to quit the fields; But such order shall have only a temporary effect — say — for not more than a month — unless the procedure prescribed above — of giving the party an opportunity to show cause — is followed.

36) I shall be obliged if the L. R. & Secy will put up for consideration a draft amendment of Sec 17 of the Regn to secure the above purpose.

6/4

P.R.
7/4

8d 6/4

8/8.4

37)
Subd. 3 The I.G.P. suggests in his letter of 15.8.25 the definition of the word 'undesirable' — may that be adopted? It is perhaps better to make the definition inclusive — & include all persons who have no ostensible means of existence besides having had previous convictions &c.

flag V.

38) The definition 'undesirable' which may be approved may be inserted as (1) under Sec 3 — Interpretation, the numbers of other Sub Sections

NOTE—Contn. Sheet

being changed accordingly. and a proviso to Sec 17 inserted - of giving notice by the D.S.P to undesirables — and for action taken on emergencies &c -

39) If approved a skeleton draft will be submitted. For orders & instructions as to the classes of persons to be included under the term 'undesirable'. It is not clear if all those who are enumerated in para 2 of the I.G's letter D/25/8/25 are to be included in the definition of the term.

15/4/26

15/4

40) The defn may comprise for the pres all those mentioned by the I.G.P in his letter & laid for orders -

41) Please put up a draft

20/4

[illegible] 29/4

42) Draft laid for consideration

30/4/26

14/5

43) Please type the draft as revised

18/5

18/5

44) Typed draft put up

21/5/26

21/5

45) Draft put up for consideration ~~They are~~ It is in accordance with the order of the member in paras 34 & 36. With regard to the ~~term~~ definition of a person deemed undesirable, the I.G.P's definition has been

adopted with slight modification in (ii) with the addition of (vi), so as to make provision for unforeseen cases.

(L.H. Lee)

22/5

Please bring it
22/5.
28/5

46) I have gone through the papers.

The then 1st member was of opinion that the term 'undesirable' should be defined, that notice to show cause why an order under Sec 17 should not be ~~passed~~ be given, & a preliminary enquiry should be held by D.S.P before an order in writing directing an undesirable person to quit the area & that in emergent cases D.S.P may pass an order without notice being issued to show cause but such order should be in force for a period of 30 days.

A draft is being prepared & submitted.

It is difficult to give ~~an ex~~ a correct defn of undesirable.

In cases of this nature a certain discretion sh'd be vested in D.S.P ~~[illegible]~~ who has to safeguard the interest of K.G.F. Co. in deciding who in his opinion, is an undesirable.

Hence the clauses ii & iii, have been so drafted.

Submitted for consideration
17.8

OFFICE OF THE
THIRD MEMBER OF COUNCIL.
17 AUG. 1927
13/7

I shall be glad if Secy will please speak to me

3rd member

44) I agree as slightly modified after discussion with Secy. CBX
17.8

CBX
18/8/27

2376927 PB 918825 16

App. F. III—2]

General and Revenue Secretariat. | File No. of 192

Serial No.

48) The Bill has now to be considered in Council & subd to HE for approval. The Draft Bill as revised by the Secy & the Member will be got typed & a Statt of O & R prepared & subd

A

Asn
1/11

49) A yes.

"
2/11

P.S.
2/11

A statement of objects & reasons to put up for orders.

3/11/27 50) After approval of the Statt, it will be got typed along with the Bill.

Asn
13/11

51) Please type as revised.

15/11

Typed
[illegible] with the Bill [illegible] with the Stat. of O & R. (12 copies)
15/11

52)
Typed Bill with Statt of O & R put up.

Asn
18/11

53) Cl. 2. refers to a form prescribed. The word 'prescribed' is not defined in the Regn nor in the Genl clauses Regn as prescribed by rules.

Is it not therefore necy to prescribe a form or define the word 'prescribe' so as to take power to ~~frame~~ prescribe the form in the rules?

19/11

54)
Subd. A sample form of notice to ~~[illegible]~~ show cause

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. of 192

Serial No.

has been sent by the IG of Police. It is in the file, vide flag M. If the idea is to prescribe the form in the Regulation itself, it may be included in a Schedule to the Regn. But there is also a form of notice to quit — sample of which has also been sent by the IG. (Flag B), and it is for consideration if that may not also be embodied in the schedule proposed

55) If it is considered unnecessary to include the forms in the Regulation itself, the term prescribed may be defined as suggested.

56) It is not however clear if it is necessary at all for Govt to prescribe a form of notice to show cause or of notice to quit, whether in the Regulation itself or separately by a notification. In this view the words 'in the form prescribed' in para (1) of the proposed section may perhaps be omitted altogether.

and the existing or the proposed section does not contemplate a form of notice to quit to be prescribed.

Subd for orders

Am 19/11

57) The present section 17 does not prescribe any form. The Supdt of Police K.G.F has been using the Form (Fl: B) for ordering to quit. He has also been using the form (Fl M) to show cause, though it is not obligatory on him to issue such notice. It is therefore for consideration whether

Govt should take power to prescribe the forms or leave it to the Supdt ~~to issue~~ to use the forms which he has been using –

20/11

Secy L-D)

58) It is desirable to take power to prescribe by rules the forms to be used by Supt of Police. In this view 'prescribe' may be defined in the Bill

3rd Mem n

21.11

21.11

OFFICE OF THE
THIRD MEMBER OF COUNCIL
21 NOV. 1927
No. 467

59) Yes

28/11.

28/11

Secy
28/11

60) The Indian Mines Act 1923, defines the word 'prescribed' as follows:–

'prescribed' means prescribed by regulations, rules or bye-laws;

The same wording may perhaps be adopted slightly modified as follows.–

'prescribed' means prescribed by rules or bye-laws;

Subd for orders.

Bruce
10/12/24 A/c

A.S.
10/12
12

61) 'Prescribed' may be defined as meaning 'prescribed by rules made under this Regulation'

62 A: yes.

13/12

13/12

2376/P

General and Revenue Secretariat.

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Serial No.

63) Subd with this added to as directed.

64) The L.S.G. Dn have proposed the addition of another clause to section 35 (2). The papers relating to the same are herewith linked. The wording proposed seems to require change. There is no provision for distress in the Regulation & the provision for writing off distress fee seems unnecessary. Other verbal changes are indicated in the draft in pencil.

A

Bm 16/12

65) Addition of clause re Sec 35 has been made in the Bill as per orders in the linked file of the L.S.G. Branch. That Branch may perhaps be consulted re the point raised at A.

Am 21/12

66) Distress is not provided for in the Mines Regn, ~~or~~ so references to distress may be omitted in cl (4) of the Bill. The words rate or cess which occur in sec 35 cl (2) (b) may also be inserted in cl (4).

67) The corrections are indicated in pencil.

(Legl. D)

20/1

To Mallikarjunia
Please bring it
Sd 11.2.28.

NOTE—Contn. sheet.

2376/P

20

App. F. III—2]

19

General and Revenue
Secretariat.

File No. of 192 .

Serial
No.

OFFICE OF THE
THIRD MEMBER OF COUNCIL.
16 FEB. 1928
No. 7916

68) Draft Bill is scrutinized & necessary corrections made.

69) It may perhaps be approved

3rd Member 21

21/2

70) CSB
21/2

Sd
21/2

71) Council matter
(Col.-Secy)

21/2

CHIEF SECRETARY.
22 FEB. 1928

CB
22/2

NOTE—Contn. sheet.

21

9 10

# BILL TO AMEND THE MYSORE MINES REGULATION.

------

12) Under Section 17 of the Regulation, the Superintendent of Police, Kolar Gold Fields may direct any person whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within 24 ~~years~~ hours.

2. It has been represented that the provisions of this section have been operating as a hardship from the point of view of the person to whom notice to quit is given, in-as-much as the term "undesirable" is not defined, no limit is laid down as to the period during which an order under the section should remain in force and no previous enquiry is prescribed nor any provision made to intimate to the undesirable the nature of the charge against him. A resolution recommending the abrogation of the section was moved in the Legislative Council in June 1925 by Mr.B.Narasinga Rao, who withdrew the resolution on the assurance of the Dewan - President that all interests would be considered and final orders passed. It was also urged at the Legislative Council that the power of warning off undesirables may be entrusted to the Special Magistrate.

3. From enquiries made of the Inspector General of Police it is ascertained that the term "undesirable" is taken to include persons who have convictions for theft

(27)

24

or receiving of mining material, underground gold thieves etc. A preliminary enquiry is also held by the Superintendent of Police before issue of notice but it is not stated if the party is given an opportunity to show cause against issue of notice. In regard to vesting the power in the Special Magistrate, the Inspector General of Police says that at a meeting of the Mining Board at which he and the Deputy Commissioner were present it was unanimously held that if the power is transferred to the magistrate the provision might be altogether abrogated as the procedure will only result in a deadlock.

DEWAN'S OFFICE.
Received on
28. FEB. 1928
Reg. No. 5349.

4. With a view to remove the hardship brought to notice, a draft of an amending bill defining the term "undesirable", and giving an opportunity to the party to show cause against the notice to quit (except in urgent cases) and also fixing a limit of 6 months as the period such an order will have effect in the case of subjects of His Highness the Maharaja paying kandayam, has been prepared. The power will however continue with the Superintendent of Police subject to these safeguards. The opportunity has also been taken to amend another section of the same Regulation so as to empower the Kolar Gold Fields Sanitary Board to write off irrecoverable sums due on account of ~~irrecoverable~~ taxes.

74) For favour of votes as to whether the papers may be circulated for disposal

Dewan)

27/2

5. The draft Bill has been scrutinised by the Law Dept. and approved by the Third Member.

73) The case is for disposal by circulation.

75) 28/2/28

29/2

23

22

**No. C.277**

of 1927-28

# GENERAL AND REVENUE SECRETARIAT.

**Council Matter.**

---

## SUBJECT.

Bill to amend the Mysore Mines Regulation.

## CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

M Madhava Rau

Chief *Secretary to Government.*

29th February 1928

---

~~Extraordinary Member of Council.~~

7130 / 1/3 **First Member of Council.** 2/3/28

4937 / 2/3 **Second Member of Council.** 3/3/28

8350 / 29/2 Third Member of Council. 1/3/28

GPB—1,000—28-8-14

8098 / 8/3

For favour of final Note

Third Member.

3/3

General and Revenue
Secretariat.

File No. of 192

Serial
No.

OFFICE OF THE
THIRD MEMBER OF COUNCIL.
8 MAR. 1928
No. 8158

DEWAN'S OFFICE.
Received on
9 - MAR. 1928
Reg. No. 5624.

47) Final note signed by the member is placed below

8.3.28.

D. S. N. Subba

Dewan) 8/3

48)

9-3-28

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

# Final Note by the Third Member of Council.

◆

**Subject:—** BILL TO AMEND THE MYSORE MINES REGULATION, 1906.

◆

Section 17 of the Regulation empowers the Superintendent of Police, K.G.F., to direct any person whose residence within such area as may be notified by Government from time to time, is considered undesirable, to quit the said area within 24 hours.

A resolution recommending the abrogation of this Section was moved in the Legislative Council in June 1925 by Mr. B. Narasinga Rao in order to remove the hardship caused by the provisions of this Section and the main grounds urged by him were -

(i) that the term 'undesirable' was not defined in the Regulation,

(ii) that no limit was laid down as to the period during which an order passed under the Section should remain in force, and

(iii) that no previous enquiry was prescribed nor any provision made to intimate to the undesirable, the nature of the charges against him.

He, however, withdrew the resolution on the assurance given by the Dewan-President that all interests would be considered and final orders passed.

After careful consideration it is proposed to amend Section 17 with a view to remove the hardship complained of. The main features of the amendment are -

(i) It provides for giving an opportunity to the unesirable to show cause against the notice to quit xcept in urgent cases.

(ii) The order to quit will have effect only for six months in the case of a subject of His Highness the Maharaja paying kandayam, subject to a further order, if necessary, after that period.

(iii) The expression 'undesirable' is defined.

Incidentally it is also proposed to amend Sub Section (2) of Section 35 of the said Regulation so as to empower the K.G.F. Sanitary Board to write off irrecoverable sums due on account of taxes, in regard to which difficulty was felt in some cases.

A draft Bill to amend the Mysore Mines Regulation as above has been prepared and it has been agreed to by the Dewan and the Members of Council.

Pages 21 & 22 of Office Notes

Gracious sanction is solicited to place the Bill before the Representative Assembly and the Legislative Council in the usual course.

C S Balasundaraiyer

MEMBER OF COUNCIL.

BANGALORE,
8th March 1928.

# *Submitted to His Highness.*

*I submit herewith a Final Note by the* Third *Member of Council on the subject of* Bill to amend the Mysore Mines Regulation, 1906.

*for His Highness' gracious approval.*

Mirza M. Ismail

*Dewan.*

9-3-28

Record of Cases submitted for the Orders of His Highness the Maharaja.

*Subject.*

No 535
9-3-28

Bill to ame:

Regulation, 1906.

*Order.*

KRW
12/3/28

(9)

C. Secy

13-2-28

C. D.O. No. 302
1 file

4505
29

OFFICE OF THE COUNCIL
14 MAR. 19
No. 8944

THE PALACE,
BANGALORE.

March 13th, 1928.

My dear Mirza,

80) In returning herewith the file relating to the amendment of the Mysore Mines Regulation, 1906, might I suggest the advisability of consulting the Mining Board formally on the matter before the Bill is introduced? I see that the matter was discussed with them in 1925, but they may have forgotten that and might be alarmed at the sudden introduction of legislation which a formal notice would show them was what they had agreed to.

Yours sincerely,

81) [illegible] 13/3

3rd Member
Thro' Law Secy.

82) 13/3
83 I have no objection 14/3

Issue 16/3/28
Secy 84) 17/3
17/3

85) To the Dy. Police
No. P. 5458 dt. 20/3/28
fwd a copy of the Bill and requests to send the same for the information of the K.G.F. Mining Board & communicate their views if any in the matter 19/3

86 Reminder [illegible]

87 Issue
[illegible] No. P. 1605 Apr 27/4
dt 28-4-28.

Note.—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

4505
5643

30

29

General and Revenue Secretariat.

File No. of 192

Serial No.

No C23/25 dated 16/17.5.28

From

The Inspector General of Police

Forwards copy of Memorandum received from the Secy K. G. F. Mining Board which contains the views of the Mining Board on the Proposed amendment.

88) The Board suggest certain changes in the various clauses of the Bill

(1) The Board are against the Provision ~~of~~ for issuing a notice to the undesirable.

(2) The Board want to revise the defn of undesirable

The other proposals are simply verbal & may be accepted

89) Subd with changes proposed indicated in the against each clause in the Draft Bill

21/5/28

90) The five alterations suggested by the Mining Board

NOTE—Contn. sheet.

31

C No5 5643

App. F. III—2] 30

General and Revenue Secretariat.

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Serial No.

are indicated in red ink in the copy of the draft Bill in the file - they do not affect the Bill in substance & there seems to be no objection to adopt all of them.

Secy

22/5

91) Except 201, the rest may be adopted

3rd Mem

22/5

92) I agree

25/5

26/5

93) ~~[illegible]~~
~~[illegible]~~ Please put up a D.O. with reply to the D.O. of 13-3-28 from the Pte. Secy to H.E.

Secy

26/5

OFFICE OF THE THIRD MEMBER OF COUNCIL
22 MAY 1928
No. 11326

94)
D. O. L. Issued

29/5

30/5/28

Secy

3rd Mem

30/5

31.5

95)

5/6/28

OFFICE OF THE THIRD MEMBER OF COUNCIL
1 JUNE 1928
No. 11843

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

C.S. P 5640

eneral and Revenue
Secretariat.

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Serial No.

DEWAN'S OFFICE
Received on
6 - JUN. 1928
Reg. No. 7656

96) Final note signed by the member is placed in the file.

Has
6.6.28.

Dewan.

8/6/28

97) [illegible]
7-6-28

NOTE—Contn. Sheet.

# Final Note by the Third Member of Council.

W **Subject :—** BILL TO AMEND THE MYSORE MINES REGULATION.

Pages 24 & 25 of Office Notes

Page 28 of -do-

I beg to invite reference to my Final Note of the 8th March 1928 explaining the objects of the proposed Bill to amend the Mysore Mines Regulation. As suggested in the demi-official letter of the 13th idem from the Private Secretary to His Highness the Maharaja, a copy of the Bill was forwarded to the Mining Board with a view to obtain their further views on the matter and a copy of the letter which the Secretary to the Board has sent to the Inspector General of Police in this connection is herewith submitted for perusal. It will be observed that the Board accept the general principles underlying the Bill and desire only a few minor alterations to be made in it. With the exception of the omission of the words "for reasons to be recorded in writing" in Clause 3, the suggestions made by the Board are unobjectionable and may, I think, be adopted. As regards Clause 3, it provides for the Superintendent of Police recording his reasons in writing for directing any person to quit the notified area under that clause. No exception can be taken to this provision which is necessary, if for no other reason, to enable the District Magistrate to deal with the appeal if an appeal is preferred against such an order. I am therefore of opinion that this Clause may be retained in its present form. His Highness' gracious sanction is solicited for placing the Bill, with the other alterations suggested by the Mining Board, before

G

the

the Representative Assembly and introducing it in the Legislative Council in due course.

C S Balasundaram Iyer
MEMBER OF COUNCIL.

Camp Mysore,
2nd June 1928.

# *Submitted to His Highness.*

*I submit herewith a Final Note by the* Third *Member of Council on the subject of* Bill to amend the Mysore Mines Regulation

*for His Highness' gracious approval.*

Mirza M. Ismail
*Dewan.*
7-6-28

5643 36/35

## Record of Cases submitted for the Orders of His Highness the Maharaja.

## *Subject.*

Bill to amend the Mysore Mines Regulation.

No. 695

No. 698
7-6-28

## *Order.*

KRW
9/6/28

98)

C. Secy
99) MS
11-6-28

11/6.

11.6.

~~A statement of General principles of the Bill to be placed before the R. A. will be prepared after the file is circulated to the Members of Council for perusal of H. H's orders.~~

~~Secy)~~

11/6

5643

37

36

General and Re
Secretaria

pp. F. III—2]

100) A statement of general principles of the Bill will be prepared for being placed before the next session of the R.A.

11/6

Secy)

101) Seen

S.A.
11-6

102) Put up a revised draft Bill & a statement of general principles

11/6

Supdt

103) Subd with revised draft Bill & a statement of general principles. Under para (e) of C.M. re Rules for dealing with measures of proposed legislation, the statement should be sent to the R.A. after approval.

Bm
20/6/28

27/6

Secy)

27/6

Please put up a fair draft of this as revised

23/6

Put up & Subd

25/6/28

26/6/28

OFFICE OF THE
SECOND MEMBER OF COUNCIL
28 JUNE 1928
No. 1216

2nd Mem.

27-6

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

173/p. 828

5643

38 37

General and Revenue Secretariat.

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Serial No.

106 3 typed copies of statements of general principles are herewith sent up for being sent to R.A. Office

19/9.

19/9/28

19/9

107 3 copies of the statement taken and the file returned

19/9/28

108 Pro^n Br.)

19/9

21/9

109 The principles of the Bill were discussed at the current session of the R.A. on the 26th instant & in the light of the discussion the Second Member of Council told the members that the matter would be further considered and brought up again at a subsequent session.

110 Draft notes of the discussion are put up

ANR 28/9

111 Please put up ~~as~~ copies of the official report of the discussions relating to this Bill

R.A. Office)

22/11

OFFICE OF THE SECRETARY
23 NOV 1928
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

112 Mr. A. Iyer

27/11

Submitted. The official report

General and Revenue Secretariat.

File No. of 192

Serial No.

Of the proceedings relating to this portion is not yet ready. The requisition may kindly be renewed about ten days later

28/11

113 Proⁿ Branch with compts).

28/11

29/11

Secy 28/11

Subd 114)

This may be sent to R.A. office with reference to para 112 supra

8/12/28 To the R.A. Office

OFFICE OF THE SECRETARY
8. DEC. 1928
LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

115) 8/12 Mr. Ayyar

Please put up a copy of the Procgs. & return the file to the Br.

Flag R

116) A copy of the notes of discussion 8/12 relating to the Mining Regulation amendment Bill is put up.

Proⁿ Br.

8/12/28 8/12

117) Subd with reference to para 111 supra

8/12

118) A revised Bill is submitted

4/2/29.

Told by the Hon'ble Member today to take his instructions after the holidays

21/12/28

Secy)

119) S. 17 (3) provides for "due enquiry". If the enquiry

Recd instructions from the Member on 1.2.29.

5.64.29 P. 550 C1793/28 oct.

App. F. III—2]

General and Revenue Secretariat.

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Serial No.

OFFICE OF THE SECRETARY TO THE COUNCIL
FEB. 1929
No. 5972

contemplated is to be of a summary nature, the word "due" may perhaps be omitted

5/2

2nd Member

120) Draft appd.

Secy. will talk to me about the further action to be taken.

7/2

The Asst. Secy. will kindly bring this in tomorrow. I wish to know the points on which the Member wants to discuss.

Subd

As regards the Member's query against cl. 3, no separate bill has been placed before the L.C. for the provision made in this clause.

As far as I can make out the only point the Member wishes to know is whether the Mining Board has to be consulted as to the ~~suitability~~ of the bill now prepared.

Secy)

29/4

4/5

121) Revised draft is appd. by the 2nd Member. H.E. orders are that the Bill as revised may be placed before the R.A.

30/4

122) Please put up a ~~draft of~~ general principles.

30/4

P.51 put up draft statement of ~~general~~ principles of the revised Bill

124) Fair draft

7/5

5.5.29

7/5

Secy?

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

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App F. III—2]

General and Revenue
Secretariat

File No. 5643/27 of 192

Serial No.

(125) Subd with fair draft of the Statement of General Principles of the Bill, for approval. Have made some verbal alterations in the Bill, subject to approval.

7.5.29.

7/5

A.

7/5

Secy)

OFFICE OF THE
SECOND MEMBER OF COUNCIL
14 MAY 1929
No. 6797

(126) A - No alterations may be appd.

11/5

2nd Member

(127) 15/5

17/5

17/5

Secy
18/5

(128) The proposed legislation has already received the assent of H. E. in the first stage. Under the circumstances, if approved, copies of the Statement of General Principles and the Bill will be sent to the P. S. office as usual.

A

18/5/29

18/5

(129) A. may be done. It is perhaps not necessary to submit the revised Bill to H. E. ~~again~~ at this stage.

18/5

Secy)

(130) Yes.

18/5

20/5

Secy
20/5

NOTE—Contn. sheet

56438!/

42

App. F. III—2]

General and Revenue
Secretariat

File No

of 192

Serial
No.

OFFICE OF THE SECRETARY
21 MAY 1929
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

(131) Typed copies of Statement of Genl principles & Bill are herewith put up. They will be sent to R. A. Office after signature.

Done
21/5/29
AR 21/5

Ms 21/5

RALC)

(132) 3 copies of the Bill & the Statement of General principles thereon taken & the file returned to Protection Br.)

Prot. Br.)

21/5/29

Hy 21/5

(133) May the Reporting Section of the R. A. & L.C. office be required to put up a copy of the proceedings connected with the Bill to amend the Mines Regn.

Subd for orders

Done
16/6

134) It is perhaps too early to ask for a copy of the proceedings.

AR
16/6

135) Subd for orders as to whether the Bill in its present form may be placed before the ensuing session of the L.C. or it is to be further revised in the light of the criticisms made ~~[illegible]~~ at the session of the R.A. just concluded.

Secy)

Ms
16/6

NOTE—Contn. sheet

App. F. III—2]

General and Revenue Secretariat C/179 File No. of 192

Serial No.

136) The bill was dropped by the Govt in view of the opposition in the R.A. Otherwise the question of amendment had to be taken up on the suggestion of the R.A. As it is likely to be opposed in the L.C. also, some time may perhaps be allowed for a change in the public opinion.

D. M. 17/6

OFFICE OF THE SECOND MEMBER ... COUNCIL
18 JUNE 1929
No. 1086

2nd Member

137) yes. It may wait for some 3 months or so.

18/6/29

D. M. 20/6

20/6

Secy 20/6

Sub B till 20.9.29

21/6/29

138)

Subd for orders ~~as~~ as to whether the matter is to come up before the ~~xxxxxx~~ next Session of the ~~R.A.~~ L.C. of 30 and what alterations if any in the Bill

9/9/29

Am 9/9

Secy

9/9

139) Please put up the discussion & the criticisms

D. M. 13/9

OFFICE OF THE SECRETARY
14 SEP. 1929
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

14/9

140) To the R.A. Office for kind compliance

14/9

14/9

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

206/1930.
P [illegible]

Serial No.

141) Proof copy of the R.A. relating to the discussions during the June Session is herewith put up & filed with refce to para 139 supra

Brie
4/9
[illegible]
141

Secy)

[illegible]
16/9

142) It is a point for consideration whether the question may not await for some time longer.

[illegible]
21/9

2nd Member

[illegible]
21/9

143) May ~~wait~~ be brought after June 1930.

C.S.L.
24/10

[illegible]
28/10

[illegible]
29/10

144) Re-filed with refce to para 143 supra as directed

[illegible]
4/7/30

Brie
10/7

2nd Member)

[illegible]
10/7

L.S.B.
29/5

Ls B1
in the end of June 1930

OFFICE OF THE
SECOND MEMBER OF COUNCIL
23 SEP. 1929
No. [illegible]

OFFICE OF THE
SECOND [illegible] COUNCIL
1[illegible] JULY 1930
No. 320

r v l 45

App. F. III—2]

General and Revenue Secretariat | File No. | of 192

Serial No.

320

A.

145) At the last meeting of the L.C. suggestions were made that a bill of this nature would not be unwelcome. Perhaps the bill might be put through

CSG
14/7

146) Please take action accordingly.

47) A. Please put up extract of procs.

17/7/30

Secy
17/7

To the L.C. office for kindly putting up an extract of f 56

Done 17/7 Am 17/7

OFFICE OF THE SECRETARY
No. 547
17 JUL. 1930
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

148) (classified) An extract is subd. (Flag O.)

17/7/30

Pro. Br.)

18/7

149) Refce. is invited to the last page of this extract (Fl. O) - Action will be taken in due time to place the Bill before the R.A. at the next session.

18/7/30

Secy)

18/7

19/7

OFFICE OF THE SECOND MEMBER OF COUNCIL
19 JULY 1930
No. 572

150) 2nd Member

Please see ✗ the discussions in the R.A. & examine if the bill ~~requires~~ ~~any~~ can be amended further on a few points as stated in my last words before the principles were put to vote

CSG
19/7

20/7

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

206830

46

General and Revenue Secretariat | File No. | App. F. III—2] of 192

Serial No.

939

DEWAN'S OFFICE
2. AUG. 1930
Leg6

OFFICE OF THE
SECOND ME[illegible] OF COUNCIL
4 AUG. 1930
No. 1083

151) At the last meeting of the Legve Counci several members spoke about some amendment of certain sections of the Mining Regu & it looked as if they would like the amendin Bill, which was ~~not~~ placed in June 29 before the RA & not approved by that body, to be proceeded with. It would perhaps be well to sound opinion informally & the members may be consulted accly.

152) Draft is appd. Please submit it to Dewan also.

ESY
31/7

Dewan

D m
1/8

2/8

1161

153) JM
2-8-30

154) If appd, the draft will issu

D m
4/8

2nd Member

4.8.30

155) ESY
5/8

156) Issued
D m
5/8

6/8

App. F. III—2]

General and Revenue
Secretariat

Legis File No. 30 of 1931

Serial No.

P 1450 R.O. dt. 10/9/30
Non-official Members of the Legis. Cl
Forwards copy of Bill and invites their opinion

Fls A

D.O. Letter dt 12.8.30.
from
Sri K. T. Satyanarayana Settiar

E1

With refce to the letter inviting opinion ~~of~~ on the Bill to amend the Mines Regn states that the Bill may be placed before the R.A in the first instance before placing it before the Legis. Cl

(2) The letter makes mention of the fact that the bill had been placed before the R.A in June last year

If approved attention may be invited to this as well as to the Proceedings of the R.A of June 1929 PP 202-209

Draft subd.

Bill 16/9 (3) The member seems to be aware of this

Note—Contn. Sheet

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General and Revenue Secretariat

Serial No.

fact that the Bill has once before been placed before the R.A and he wants ⊗ it to be placed before the Oct^r Session again. The draft reply which seems therefore unnecessary.

(130) ~~Let~~ To await replies, if any, from others MSS 19/9

Am 18/9

⊗ Perhaps he wants that the views of the present members of the R.A should be taken.

Sen 19/9

Letter dated 15-9-30 from

Mr. C. Girimaji Rao. Furnishes his views on the draft Bill to amend the Mysore Mines Reg^n

(133) Sub^d for perusal. The receipt of other replies will be awaited.

MSS 23/9

Bue 19/9/30

23 | Am 23/9

Sen 23/9

G.o.H.

Letter dated 22-9-30 from

Mr. K. Chengalraya Reddi States that he will communicate his opinions after the sittings of the R.A are over.

(134) Sub^d for perusal MSS 24/9

Bue 24/9 Am 24/9

Sen 24/9 Sub H

Note-Contn. Sheet

.653
1747

App. F. III—2]

General and Revenue
Secretariat

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Serial No.

D.O. dated 17.9.30

From

Mr Rutherford.

Opines that the bill has little that is objectionable ~~[illegible]~~ that too much responsibility is thrown on the Police Superintendent and that persons coming under (c)(c) of the explanation appear to be ~~[illegible]~~ suited to come under the jurisdiction of the Special Magistrate in conjunction with the Police and mining authorities

(35) Sent for perusal

Bm
30/9

30/9

See it

LOCAL AND LEGISLATIVE SECRETARIAT
IV
3 - OCT 1930
[illegible]

Note —Contn. Sheet

Copy of letter dated 2nd November 1930 from Mr. K. Chengalraya Reddy, B.A., B.L., Kyasamballi P.O., (Via) Coromandel, to the Secretary, Legislative Council.

----

" I wish to inform you that the proposed amending bill to the Mining Regulation which the Government wish to introduce, lamentably fails to meet the situation and that it cannot meet the approval of the majority of non-official members of the Council. While it may be claimed to be a slight improvement, at best it will be only a case of from the fire into the frying pan! I shall be glad to present our reasoned objections to the proposed amendment and the particular section in the original bill, which is sought to be amended in the form of a memorandum shortly."

x x x

S.K. Jamkhandi.
4. 11. 30.
For Ex-Officio Secretary,
Legislative Council.

No. 2771 Dated 5-11-1930

(164) Protn. Br. with compls for favour of necessary action

4/11/30

N.S.G. 5/11

5/11

(165) Subd for perusal. A memo of his views is promised to be sent shortly.

6/11/30.

(28) The file with the opinions so far received may perhaps be subd to the Member for perusal. Secy

6/11

(166) The abstract of opinions recd may be put in a tabular form & typed

18/11

N.S.G. 18/11

2235 3232 51

App. F. III—2]

General and Revenue
Secretariat

File No. of 193

Serial No.

167 A The opinions so far received have been tabulated for being typed. Replies are due from many other ~~vote~~ members. Subd

Bne 4/12

168 Reminder may perhaps be issued to other members before A is done.

yes [illegible] 4/12

[illegible] 4/12

Seen 4/1

169 Draft subd.

Bne 8/12 [illegible] 11/12

170 Issue

[illegible] 11/12

Issued No. D 3491-3507 Ol 22.12.30

Sub A

Letter of 28-12-30 from Mr. Bayamane Devegowd furnishing his opinion

Subd [illegible] [illegible] ~~sol~~.

[illegible] 31/12

SG 30/12 [illegible] 30/12

171 Mr Chengalrayareddi promised to send shortly a memorandum containing reasoned objections. (His letter dated 2.11.30) He may be requested to send the same.

There was a letter from Mr K R Srinivasa Iyengar A reply may also be sent to him.

[illegible] 31/12

NOTE—Contn. Sheet.

[illegible] 31/12

~~64~~ 52

File No. of 193

General and Revenue
Secretariat

Letter dated 23.12.30
From

Mr. D.S. Mallappa
Requests a copy of the Bill to amend the Mines Regn and also a set of answers to the interpellations in the Legis. C in Dec 1930.

Letter dated 23.12.1930
From

Mr. P. Murugasami Pillay
Requests a copy of the Bill to amend the Mines Regn ......

Letter dated 25.12.1930
From

Raja Sabha Bhushana ....
K.R. Srinivasa Iyengar.
Requests a copy of the Bill to amend the Mines Regn

Letter dated 1.1.31
From

Mr. K. Chengalraya Reddi
States that he has already furnished his views and adds that in as much ~~his~~ views are required again he would furnish them

Submitted with draft furnishing copies to Messrs D.S. Mallappa

53

General and Revenue Secretariat

File No 3232 3168 3167 3198 3205 of 193·

App. F. III—2]

Serial No. 133

Murugesam Pillay & K.R. Srinivasa Iyengar. As regards the letter of Mr Chengalraya Naidu. Kind attn is invited to his letters dated 22.9.1930 Flag T and 2.11.1930 Flag " ... in which stated that he would communicate a memo on the subject shortly and it has not yet been received. This may be pointed out.

Issue NSG 3/1

please see my note on the previous page NSG

3/1/31 3/1

No 3904-6 dated 6.1

Messrs. V.S. Mallappa

P. Murugesam Pillay +

Raja Sabhabhushana K.R. Srinivasa Iyengar

Forwards them copy of the Bill to amend the Legislative Rules Reg n

(134) Subd with draft to Mr Chengalraya Reddi

7/1 7/1

1705 Issue NSG 7/1

Letter dated 6.1.31 from Mr K.R. Srinivasa Iyengar forwarding his views.

Issued No P.4031 dt 9.1.31

Subd. No memo has yet been received, as promised from Mr. Chengalrayalu Reddi. A draft for the same is put up.

Issue NSG 8/4

Sir A.

Please see the Statement Flag S [illegible] [illegible] be made from the [illegible]

8/4

6567 dt 9/4/31

NOTE—Contn. Sheet.

WD 02553—GPB—50,000—8·7·30

54

File No. 3265 of 193

General and Revenue
Secretariat

Letter dated 16.4.31.
From
Mr. K. ~~[illegible]~~ Chengalvaraya Reddi
Forwards his views on the amendments proposed in the Bill.

(180) Subd for perusal. So far only 5 non-official Members have opined

Pom
27/4 [illegible] 39) Subd. Refer Members remarks.. 7' [illegible] 21'

(187) The file may now be worked up and a note put in as regards in view of the criticisms so far received

28/4.

(188) The opinions received have been tabulated and put up.

Raja Sabhabhushana Dr. R. Srinivasaiya is of opinion that all orders to which [illegible] in the first instance be ad-interim subject to final orders that may be passed after enquiry. He thinks that provision should be made for an appeal to the [illegible] against the order of the D.S.P under S. 17.

Board refer is invited

55 ~~8~~
6

General and Revenue Secretariat | File No. of 193

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to Sub-clause (7) which lays down that an order ~~made~~ under this section may be cancelled by the D.S.P or by the Dist Magistrate. This perhaps meets his objection.

He also suggests the clubbing together of Sub-clauses (4)&(5) into one Sub clause. This may perhaps be done.

Mr. Rutherford is of opinion that the Bill is a reasonable one & relaxes the rigour of the original Regulation. He however thinks that the matters falling under items (c) & (e) of the explanation to Sub-clause 7 are for the Dist Magistrate to decide in conjunction with the Police & mining authorities.

Mr K. Changalaraya Reddi also considers that the wording of these items leaves room for great ~~[illegible]~~ misuse of power though it may not have been the intention. He wants that the definition of 'an undesirable' should be more exact and the measure itself should be

NOTE—Contn. Sheet

be restricted in its application to what he calls 'danger zones'

Subd for orders with refce to para 40 supra

Issue B/ 15

Pd/ 179 In para 150 it is directed that the discussions in R.A. may be examined to see if the Bill can be amended further on a few points as stated by the member before the principles were put to vote. The same may be examined and particular points on which amendments are called for in view of the previous discussion and of the present criticisms may be noted for orders NSD 16/5

A Statement showing the attitude of the Members of the R.A on the second part of the amendment and the position of Govt regarding them is herewith put up. Flag M.

The following points were suggested

1 Providing for an enquiry by a magistrate.

This was not agreed to

2 Amendment of [illegible] sub clause (3) of section 17 so as to

General and Revenue Secretariat

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Serial No.

so as to safeguard against a continuous punishment which the Police could secure by issuing an order before the expiry of the first.

No opinion has been expressed on this

3. Modification of the definition of the term 'undesirable' with particular refce to ~~the~~ items (c) and (e)

No opinion was expressed regarding this also.

The opinions expressed in response to the invitation are summarised under the several sub clauses concerned (Flag L) and noted upon at para 178 supra.

Subd with refce to para 179

10/6/31

This may be put up after L. C. Session is over 13/6.

Sub till 30.6.31

As subd

4/7

A Bill to amend the Mysore Mines Regulation was put up before the Representative Assembly session of June 1929. Government dropped it in view of - opposition

NOTE—Contn. Sheet.

5BE

therein.

As at the meeting of the Legislative Council in June 1930 some members represented that the amending Bill would not be unwelcomed, the Second Member of Council directed that opinion of the members of the Council in regard to this Bill may be sounded informally. The opinions of the members of the Legislative Council were called for. Only six members have sent in opinions.

1. Mr. K.T. Satyanarayana Setty.-

He wants it to be placed before the Representative Assembly. He does not offer any opinion.

2. Mr. G. Girimaji Rao.-

(a) Magistrate to make the order,

(b) Omission of emergency powers without notice, and

(c) Appeal to the High Court.

3. Mr. K. Chengalaraya Reddy.-

(a) Affects fundamental rights of a citizen,

(b) Ordinary law of the land is sufficient,

(c) Judicial enquiry is subsequently necessary,

(d) The word " Undesirable" should be exhaustively defined,

(e) Clauses (c) and (e) of explantion are very vague,

(f) Section must be confined to dangerous zones, and

(g) People owning property in the area must be excluded.

Serial No.

Mr. Rutherford.-

(a) Supports the Bill in general, and

(b) considers too much responsibility is thrown on the D.S.P. on account of ~~the~~ clauses (c) and (e) of explanation 9

5. Rajasabhabhushana K.R.Sreenivasa Iyengar.

(a) the order under clause (4) should be an ad interim one and a final order should be passed after enquiry, and

(b) appeal to the District Magistrate should be allowed.

6. Mr. Bagamane Deva Gowda.-

(a) Special Magistrate should pass the order,

(b) Under clause (a) of Explanation 9, the theft of mining material should be of value~~d~~.

(c) The loss under clause (e) of Explanatio 9 should be substantial, and

(d) The intention of disorganis~~ation~~ers of labour should be considered.

Sub-Section(4) may perhaps be amended as suggested by Rajasabhabhushana K.R. Sreenivasa Iyengar, so that an opportunity be given to the "undesirable to show cause why the ex-parte order should be cancelled.

~~Between clauses 4 & 5 of the~~

After clause 4 of the Amending Bill the following may be added — " An order

~~##~~ 60.

| File No. | of 193 . | General and Revenue Secretariat |
|---|---|---|

so made may be discharged by the Superintendent of Police on application made thereto by any party dissatisfied with such order

Chief Secretary)

C. 8/7/31

[illegible] JUL 1931

Has clause (2) amending Section 35 been passed into law or is that also ~~held~~ held up [illegible]

[illegible]

C 13/7/31

Submit. That is also held up

Pras [illegible]
14-7-31

Both clauses are in same bill & both are held up.

Chief Secretary

C 14/7

14 JULY 1931

C. W. [illegible]

[illegible]

C 16/7/31

Asst. Secy. [illegible]
Dt. 20.7.31

1) The file may be rebuilt after recording the papers up to the time when it was received in the P.H. and the subsequent papers alone being carried in the current file.

2) He also suggested that the analysis of the specimens may be brought in the notes.

Please record the file & return to C.W.
B

29 P)

Extract from Members orders dated 31st July 1930 in Legis. File Re. amendment of the Mysore Mines Regulation.

"At the last meeting of the Legislative Council several members spoke about some amendments of certain sections of the Mines Regulation and it looked as if they would like the amending Bill which was placed in June 1929 before the R.A. and not approved by that bod to be proceeded with. It would perhaps be well to sound opinion informally and the members consulted accordingly."

flagged

In accordance with the above order opinions of non-official Members of the Legislative Council was invited in this office No.P.1450-80 dated 10-9-1930.

Flag N!

Copies of the Bill were forwarded to them and it was stated that Government will have no objection to introduce the Bill in the Legislative Council, if the general opinion is that it would meet the reasonable requirements of the situation.

In response to the invitation only six members have sent in opinions.

T

1. Mr.K.T.Satyanarayana Setty.

He wants that the Bill should be placed again before the R.A. and gives no opinion on the Bill provisions.

2. Mr.G.Girmaji Rao.

x

He wants that the order to remove should be given by a magistrate, that the exercise of emergency power without notice should be deleted and that there

#62

be an appeal to the High Court.

Mr.K.Chengalvaraya Reddi.

He is of opinion that the ordinary law of the land is adequate. He however opines that if in case a special provision is deemed necessary as in the Bill, a subsequent Judicial enquiry in the case of orders should be provided for and that the vague and uncertain words in the definition of 'undersiable' should be removed and the section must be made to apply to dangerous zones.

Mr.Rutherford supports the Bill in general and considers that too much responsibility is thrown on the D.S.P.

Rajasabhabhushana K.R. Srinivasa Iyengar.

He desires that the order under Sub Clause (4) should be an ad-interim one and a final order can issue only after enquiry.

Mr. Bagamane Deve Gowda.

He is of opinion that the order should be by a Magistrate. He further suggests that the theft under clause (a) of Explanation should be in respect of mining material of value and the loss under clause (e) substantial.

In the light of these views it is for order whether the Bill requires any revision and the amending Bill may be brought before the Legislative Council.

~~Subd~~

1/8/31

Chief Secretary)

G 1/8/31

3 AUG. 1931

Any slight amendment of the bill in the light of the opinions now received will be deemed inadequate by one section of non-officials. ~~Opinion~~

497 63 7

App. F. III—2]

General and Revenue
Secretariat

File No. of 193

Serial No.

On the other hand, if an attempt were made to meet their wishes more fully, the authorities of the Mining Board would ~~be~~ naturally be dissatisfied. The conditions on the Mining Area are becoming more and more difficult and it is inexpedient at the present time to place any restriction on the existing powers of the local officers to deal with undesirable ~~powers~~ persons.

The question may therefore be dropped for the present.

5/8/31

Second Member. 5/8/31

OFFICE OF THE
SECOND MEMBER OF COUNCIL
5 AUG. 1931
No. 1422

6 5/8/31

The bill that was introduced with R.9. in 1929 appears to me to be suitable (subject to slight modifications), but beyond this we cannot go at present.

There has been no very strong demand ~~for the~~ from the public for the amendment of the present law.

The question may therefore be dropped for the present.

6/8/31

DEWAN'S OFFICE
916
6 AUG. 1931

Dewan

6/8/31

I think so too.

6-8-31

6/8/31

OFFICE OF THE
FIRST ME...
8 AUG. 1931
No. 1041

Note—Contn. Sheet

VD 02553—50,000—GPB—8-7 30

For perusal

8/8/31 First Member) 8/8/31 7/8/31 7/8/31 op.F.VI·G1.] ~~8~~ 1

SUBJECT ..........

Section Police
File No. ——
Serial No.

Diary No. of letter replied to 5507

No. 822

General and Revenue Secretariat
( Police )
, the 192

To The I. G. of Police
Mysore

Sir,

In inviting reference to the resolution moved by Mr. B. Narasinga Rao at the recent session of the Legislative Council for the abrogation of Section 17 of the Mines Regulation, I am directed to request you to kindly ascertain & report (1) whether before giving notice to the undesirables to quit the mining area under the above section, any preliminary enquiry is

Date of issue 3/7/25

Signed by

List of enclosures

Copied by

Examined by

over

Q.2
is made by the Supdt of Police & the parties concerned given an opportunity to show cause why an order under the above Section should not be passed against them; and

(2) how the term 'undesirable' is understood & what are the classes of people whom the Police consider to fall under this definition so as to justify action being taken against them.

2. I am also to request you to favour Govt with your opinion, in consultation with the D.M. of Kolar, the D.S.P. of the Kolar Gold Fields as well as the Mining Board as to whether the power of warning off undesirables from the Mining area may not be vested in the Spl Magte of the K.G.F., instead of the D.S.P., as at present.

3. A very early reply is requested.

I have &c

1/7

For L & L Secy

27/6

218
P. 225
3

No. e 23 83
u

09112

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

*Dated, Bangalore, the* 25th Aug. 1925.

~~10~~

REV. SECRT.
26. AUG. 1925
D. SECTION.

FROM

P. F. BOWRING, ESQ., J.P.,
INSPECTOR-GENERAL OF POLICE IN MYSORE,
BANGALORE CITY.

To

The Secretary to the Government of Mysore,
Revenue Department.

28
6226/8

SIR,

With reference to your letter No.P.22/Pol.dated the 3rd July 1925, I have the honor to state that a meeting of the Kol-- Gold Field Mining Board, the Deputy Commissioner of the Kolar District, the Special Superintendent of Police, Kolar Gold Fie and myself, was held at Oorgaum on the 3rd Instant, to conside the resolution moved by Mr. B.Narasinga Rao at the recent Sess of the Legislative Council regarding Section 17 of the Mines Regulation and your letter on the subject. It was ascertain that a preliminary enquiry is always held by the Superintenden of Police before the issue of a notice under Section 17 of th Mysore Mines Regulation. A sample form of notice to show ca is enclosed for perusal.

If however in the opinion of the Superintendent of Pol the evidence is prima facie clear a notice is not issued. Th would only be in cases where a person had many convictions for stealing gold and was very well known to the Police. The following persons are deemed to be "undesirable

1. All persons who have convictions for theft, or receiving of mining material,
2. Under ground gold thieves and those against wh there is such grave suspicion that they are st or receiving Mining material or associates of as amounts to moral conviction,

per

4

3. Persons against whom there is strong presumption that they are receiving gold from Coolies working on the Mines,
4. Disorganizers of labour,
5. Persons who for good reasons, the Superintendents of the Mines do not want on their properties.

This latter definition refers only to particular Mines and not to the area in general.

At the meeting held on the 3rd we were all unanimously of opinion that the power of warning off undesirables should not be vested in the Special Magistrate of the Gold Field, but, shou remain with the Superintendent of Police. It was felt that if the power were vested in the Magistrate it might as well be abrogated altogether as it would only result in a dead lock. It was however thought that in cases of bona fide Kandayam paying ryots, subjects of His Highness, the notice if served on one of such, need only be in force for a period of six months but if found necessary a further notice may be served on the same person on other persons however it should be absolute as before.

I enclose for information sample form of notice to show cause, the notice itself, and the History Sheet Form.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

~~12~~5

COPY

Office of the Superintendent of Police,
Kolar Gold Field.
Dated, Champion Reef the ... ........ .......

## NOTICE.

To,

______________________________

son of ______________________________

Resident of ______________________________

WHEREAS it has been reported to me that your presence is not desirable in the marginally noted locality

YOU are hereby directed within ..... .. days from the receipt of this Notice to show cause why you should not be treated as an undesirable person and served with a Notice under Section 17 of the Mysore Mines Regulation IV of 1906.

AND unless you appear before me & produce satisfactory references regarding your conduct or bring two respectable witnesses to - speak on your behalf further proceedings will be taken.

(Signed)
SUPERINTENDENT OF POLICE
KOLAR GOLD FIELD.

Forwarded to the Inspector of Police ... Division for service and return with the receipt of service duly endorsed thereon by the addressee

N.B. If the addressee cannot be found this Notice should be returned to the Office of the D.S.P. with a report for orders.

"C O P Y"

Sd. S. M. Pritchard,
21st July 25. Superintendent of Police,
Kolar Gold Field.

"C O P Y"

SUPERINTENDENT OF POLICE
KOLAR GOLD FIELD.

APP. F. VI. Gl.]

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat
( )
the 192

Date of issue 20/8/25 B.N.

Signed by M. N.S.

List of enclosures

Copied by Cn 19/8

Examined by

Section
File No.
Seria No.
No. 5458 (1)

To The I.G. of Police

Dear Sir,

With reference to the correspondence ending with your letter no. G-23/25 ... the 25th August 1925, I am ~~directed~~ desired to forward herewith a copy of the Bill to amend the Mysore Mines Regulation. It is proposed to place this measure before the next Session of the Rep. Assembly and introduce it

over

referred to below.

4. I presume the idea is to replace the whole of Regulation III of 1897 by a new Regulation embodying all its provisions with amendments. I have therefore added a repealing section which I have provisionally numbered 1A.

5. Section 2. The use of the restrictive word "means" and of the extensive word "includes" in conjunction is erroneous, and though not uncommon in earlier enactments has bee discarded in later legislation. Hence the changes in this respect in certain of the definitions.

6. I have redrafted section 3 in order to save once for all the repetitions as to local extent in the subsequent sections.

7. In section 9, I have omitted the word "summary", as the exercise of summary powers of trial and conviction requires ~~es~~ special investiture under the Criminal Procedure Code.

8. To the list of offences a second conviction of which entails the punishment of whipping under the existing Regulation, I have added the offences under the new section 11. -- Whipping seems unsuitable in the case of offences under sections 9 and 10. The reference to the general section 12 in -- your draft is, I presume, an error.

9. Without expressing any opinion as to the necessity or otherwise of so drastic a provision as is embodied in sections 15 and 16, I may say that it seems inexpedient to bring under section 15 persons merely present at the seizure of property, when they can be dealt with under section 16. A person convicted under section 16 is liable to a comparatively light scale of punishment under section 19; whereas one convicted under section 15 is exposed to the higher scale of penalties prescribed in section 12. This distinction seems fair enough if my suggestion to leave out the words "found in or upon" from

section

section 16 is accepted.

10. Vide my marginal remark against the word "undesirable" in section 17.

11. Section 21. The source from which the reward is to be paid is not clear. I presume, the gold or mining material confiscated will be sold to a mining company and that the -- sale proceeds will be available for the purpose of paying the reward. But how, if a mining material finds no immediate purchase?

12. I do not find in your draft the provisions of the -- remaining sections (11 to 33) of the existing Regulation. -- These have also to be embodied in the revised measure to be passed in lieu of the former. I shall be glad to know if you have any alterations to suggest in them; I may add here that we sent, in December last, to the Residency a draft Regulation for amending sections 11 and 14 of Regulation III of 1897. (Vide copy appended.) The sanction of the Government of India thereto is awaited. But these amendments may as well go at once into the new draft.

13. Sections 25, 26 and 33 require a few slight amendments, to provide expressly for empowering the Sanitary Board to make bye-laws and for the punishment of breaches of such bye-laws. But this matter will be attended to when the draft is finally referred to the Legislative Department for action.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Secretary.

# A Draft of

# A Regulation further to amend the Mysore Mines Regulation, 1897.

--------

Preamble.

Whereas it is expedient further to amend the Mysore Mines Regulation, 1897; His Highness the Maharaja is pleased to enact as follows:-

Addition of sub-section (2) to section 11 of Regn. III of 1897.

1. To section 11 of the Mysore Mines Regulation, 1897, the following shall be added as sub-section (2), namely:-

"(2) The Government may also prescribe rules to provide for the proper discipline of the persons employed in or about the mines or in mining operations, and for the prevention of misconduct on the part of such persons."

Insertion of certain words in section 14 of Regn. III of 1897.

2. In section 14 of the said Regulation, after the word "rupees," there shall be inserted the following words, namely:-

"or, in the case of any contravention of, or non-compliance with, a rule prescribed under sub-section (2) of section 11, to imprisonment for a term which may extend to three months, or to fine which may extend to five hundred rupees, or to both."

Draft. I

Corresponding Sectn of Regn. III. of 1897

(1.3.05)

# Proposed Amendments to the Mysore Mines Regulation III of 1897

A Regulation for the protection of Mining Property and the prevention of Theft of Mining Materials, and to provide for the Regulation and Inspection of Mines, and for the Sanitation of Mines and their neighbourhood.

Regn. III of 1897, preamble.

Preamble.

Whereas it is expedient to make special provision to prevent the theft of mining materials in ~~the Territories of~~ Mysore, and to prevent and punish the offence of receiving and disposing of stolen mining materials; and whereas it is further expedient to make provision for preventing ~~further~~ danger to human life ~~or~~ and safety, and for the sanitation of the mines and their neighbourhood: His Highness the Maharaja of Mysore is pleased to enact as follows:-

Regn. III of 1897, s.1.

Short title.

1. This Regulation may be called "The Mysore Mines Regulation, 190 ."

Local extent and commencement. ~~of Regulation~~.

It extends to the whole of ~~the Territories of~~ Mysore, and shall come into operation on the passing thereof.

(2)

Repeal.

1A. The Mysore Mines Regulation, 1897, and Regulations I ~~II~~ and VI of 1900 are hereby repealed.

Regn III of 1897, s. 2.

^ unless there be something repugnant in the subject or context, —

Interpretation.

Mining operation.

3. 2a ~~2.~~ In this Regulation, ^ "Mining operation" ~~shall~~ includes -

(a) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(b) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(c) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

Mining Block.

"Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease. granted by the Government.

Mine.

"Mine" ~~means and includes every~~ ^any place above or below ground where any mining operation is carried on and ~~also~~ includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.

"Mining Superintendent" ~~or "Superin-~~

Mining Proprietor.

"Mining Proprietor" or "Proprietor" means [~~and includes~~] any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining material~~s~~.

"Mining material~~s~~" ~~shall~~ includes:-

(1) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, apparatus, tools and materials used in such treatment and extraction;

(3) dynamite, nitro glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(4) stearine candles distinguished by the wax being of a light pink colour and coral

and (5) such other materials and things used or intended to be used in mining operations as may be declared by the Government ~~of Mysore~~ from time to time by notification published in the official Gazette to be mining materials.

Unwrought gold.

"Unwrought gold" ~~shall mean and~~ include, bar gold, gold bullion and any alloy containing, gold in any form whatever which though smelted is not made up into articles of jewellery, vessels or coins.

Gold dealer.

"Gold dealer" ~~shall~~ mean, ~~and include~~ any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.

Gold-smith.

"Gold-Smith" ~~shall~~ mean, ~~and include~~ any person who by profession melts, refines, or works in unwrought gold or silver or who engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith

Inspector of Mines.

"Inspector of Mines" ~~shall~~ include, any officer to whom all or some of the duties of an Inspector of Mines under this

Regulation shall have been delegated, ~~either~~ by a general or special order of the Government ~~of Mysore~~, so far as the performance of such duties is concerned.

## Protection of Mining Property.

cp. Reg. III of 1897, s.3.

Sections 4,5,6, 11 & 18 may be applied to specified areas.

4 ~~3~~ (1) The provisions of sections ~~4~~ 5 to ~~21~~ 22 inclusive shall not apply to any local area unless extended thereto ~~3.~~ by The Government ~~of Mysore may~~, by a notification published in the official Gazette, ~~direct any specified area to be brought under the provisions of sections 4,5,6,11 & 18 of this Regulation, and~~

(2) The Government may, by a like notification, cancel or modify ~~such~~ any direction given under sub-section (1).

Reg. III of 1897, s.4

Mining materials not to be purchased ~~or removed~~ conveyed or kept without written permission.

5 ~~4~~. ~~Within any area included in a direction under section 3~~, No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such mining proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey or keep any such mining material otherwise than for use for mining purposes on behalf of, and in such places as may be specially authorised by, such Mining Proprietor or his Superintendent.

Cp. III of 1897, s. 8

**Penalty for unlawful possession of mining materials.**

6~~5~~. Any person found ~~within any area included in a direction under section 3~~, to be in possession of any mining materials without the written permission of a Mining Proprietor or Superintendent ~~within the aforesaid area~~, and unable to prove that his possession of the same was obtained in a lawful manner, shall on conviction before a Magistrate, be liable to the penalt~~ies~~y provided in Sec. 1~~2~~3

## Licensing of Gold Dealers and Gold-Smiths.

Cp. Regn III of 1897, s. 5

**Licenses required for gold dealers and gold-smiths.**

7~~6~~. ~~Within any area included in a direction under section 3~~, It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license nor to carry on the profession of a goldsmith without a gold-smith's license as hereinafter provided.

Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

Cp. Regn III of 1897, s 6.

8 ~~7~~. The licenses referred to in section 6 may be issued by a Magistrate of the 1st class on payment of such fees as the Government of Mysore may by rule prescribe in that behalf, and every license shall terminate on the 31st day of December of the year in which it is issued. Every gold dealer's license shall be in the form prescribed in schedule 1 and every goldsmith's license in the form prescribed in schedule 2, ~~appended hereunto~~.

Power to grant a license.

All applications for licenses shall be in the form prescribed in schedule 5.

ditto

9 ~~8~~. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a 1st class Magistrate on the licensee being convicted of any offence or misdemeanour which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate, other than the District Magistrate, shall be appealable to the District Magistrate whose order shall be final.

Power to cancel a license.

of ~~the~~ a Criminal Court, under a penalty ~~of~~ on ~~summary~~ conviction ~~of~~ not exceeding Rs. 100/-.

New

11 ~~10~~. No licensed gold-smith shall smelt, work, use or deal with any of the materials directed to be entered in his Register under section 9 until after the expiry of three clear days from the time when such material is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a gold-smith in any way which does not change or destroy the identity of such articles.

Goldsmiths not to deal with gold etc until after three days of receipt

New

12 ~~11~~. It shall not be lawful for any person ~~within any area included in a direction under section 3,~~ to hav in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Penalty for unlawful possession of ~~mining materials.~~ unwrought gold -

~~Within the afore~~said area any person found in possession of unwrought gold and unable to prove that the same was obtained in a lawful manner shall, on conviction before a Magistrate, be liable to the penalt~~ies~~y provided in section 1~~2~~3

Regn III of 1897, s.9.

**Penalty for breach of sections 4,5,6,9,10 & 11.**

13~~12~~. Any person committing a breach of any of the provisions of sections 4,5, 6,9,10 & 11 ~~of this Regulation~~ shall except in the case mentioned in the proviso to sub-section (3) of section 9, be liable on conviction to ~~pay a~~ fine not exceeding five hundred rupees, or ~~to suffer~~ imprisonment of either description for a term which may extend to one year, or ~~to~~ both.

**Substitution or addition of whipping in certain cases.**

14~~13~~. It shall be in the discretion of the Magistrate, in the case of any person, not being a female, who shall be convicted under section 12 of a second breach of any of the provisions of ~~offence under~~ sections 4,5, 5 and 11 ~~& 12 of this~~ Regulation, to award whipping under the provisions of the Mysore Whipping Regulation, 1903, ~~Act No. VI of 1864 (an Act to authorise the punishment of whipping in certain cases) or of any other law for the time being in force in that behalf~~, either in substitution of, or in addition to, the penalty provided ~~by this Regulation~~ in section 12.

## Powers of search - Liability for Illegal Possession - Trespass.

Regn III of 1897, s.7.

**Power to search.**

15~~14~~. Any police officer, not below the rank of an officer in charge of a Police Station, may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or ~~as~~ in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

x I would omit the words "found in or upon, or" since persons merely present at the seizure of property can be proceeded against under the less drastic section 16.

new –

Liability of occupier etc. of premises in regard to unwrought gold or mining material seized therein.

16~~15~~. Any person ~~found in or upon~~, ~~or~~ being the reputed tenant or occupier, of, any premises at the time when any unwrought gold or mining material~~s~~ reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any Police Officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 5 or 11 as the case may be, until he proves the contrary.

New

Liability of person present, when unwrought gold or mining material is seized on premises.

17~~16~~. (1) Any person who is charged before a Magistrate with being on any premises at the time when any unwrought gold or mining material, reasonably suspected of being stolen or unlawfully obtained, is found and seized by any Police Officer, and who is unable to satisfactorily account to the Magistrate for his presence there, shall be liable on conviction to the penalties provided in section ~~19.~~

(2) Any person may be convicted under this section notwithstanding that no charge is laid or conviction ~~be~~ obtained against the tenant or occupier or reputed tenant or occupier of the premises under section 16

New

nemployed persons
y be ordered off
any mine or cooly
colony.

18 ~~17~~. Any unemployed person who shall have been ordered off a mine by an order in writing signed by the Superintendent of the mine and who subsequently to such order reenters upon the mine without the permission of the Superintendent and any undesirable* person who is not employed at any mine and who has been directed by an order in writing signed by the Superintendent of Police to vacate a Government cooly colony and who subsequently to such order returns to a Government cooly colony without the sanction of the Superintendent of Police shall be liable on conviction before a Magistrate to the penalt~~ies~~y provided in section ~~19~~20.

Vague. Who is an "undesirable" person?

We might just omit the word 'undesirable' altogether

New

Licenses
required for
hawkers &c.

19 ~~18~~. No hawker or pedlar shall carry on his business ~~within any area included in a direction under section 3~~ without a license in writing obtained for that purpose from a Magistrate of the 1st class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person carrying on such business without such license shall be liable on conviction before a Magistrate to the penalt~~ies~~y provided in section ~~19~~20.

New - 20 ~~19~~. Any person committing a breach of any of the provisions of sections 16, 17 and 18 ~~of this Regulation~~ shall be liable on conviction to ~~a~~ fine not exceeding one hundred rupees or ~~to~~ imprisonment of either description for a term not exceeding three months, or ~~to~~ both.

Penalty for breach of sections 16,17 and 18.

New 21 ~~20~~. All offences under sections 4,5,6, 9,10,11,15,16,17 and 18 of this Regulation shall be cognizable by the Police.

Cognizability of offences by the Police.

New 22 ~~21~~. Any Magistrate ordering the confiscation of any gold or mining material~~s~~ ~~seized within any area specified by the Government of Mysore under section 3 of this Regulation~~ may grant a reward not exceeding the value of the gold or mining material confiscated, in such proportion as he may think fit, to any person or persons, not being a police officer, who may have contributed to the seizure of the gold or mining material or to the conviction of the offender.

Payment of reward.

What is the reward to be paid out of the sale proceeds of the gold?

Insert 'sale' before 'value'

-ಓಂ-

Encl

34

1490 / P 8/30

**K. T. Satyanarayan Setty,** M.L.C.
MUNICIPAL COUNCILLOR,
HON. MAGISTRATE,
MEMBER, REPRESENTATIVE ASSEMBLY AND DISTRICT BOARD.

**BIRUR** (KADUR DIST.)
(MYSORE PROVINCE)

Dated, 12th august 1930.

To,
The Secretary,
The Mysore Legislative Council,
Bangalore.

889 13/9 Sept

Dear Sir,

With reference to the letter No 1450-80(1) Legi
ted 10-8-1930 sent from the General and Revenue Secretariat and the accompanying copy of the General principles of the Bill further to amend the Mysore Mines Regulation, 1906, and asking me to furnish views in the matter etc., I beg to state that stead of placing the bill in the Legislative uncil for consideration, before doing so in the presentative Assembly, the said amended bill may be ced before the October session of the R.A. opini views of the members thereon obtained. of opinion that, after the expression of in the matter at the popular house, ll be better able to express our views matter in the Legislative Council.

Moreover, I should think that procedure will be quite in conformity with the Regulation. I should frankly state that the Government should avoid as far as possible the introducing of any bill in the Legislative Council before such a bill has been introduced in the popular house (R.A.) and view thereon elicited.

As for my individual views, I shall be in a better position to express after getting a reply to this letter.

Yours faithfully,

K. [illegible]

Member, Mysor

Legislative Co

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36

Kolar,
15th September 1930.

R.D. 1829 (30

Dear Sir,

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18/9

In reply to your kind letter No. J. ~~1450~~ 1450.80(1) Log Dated, Bangalore 10th August 1930 ( but letter actually posted on 13th September 1930). I beg to say as regards the need of relaxing the rigour of the provisions of the mines Regulation under which undesirable persons are removed from the Kolar Gold Fields that for Section 17 of the Regulation the following shall be substituted:

"17(1) The Superintendent of Police for the Kolar Gold Fields may move the Special Magistrate who may by an Order direct any person, whose residence within such area as may be notified by the Government from time to time is considered undesirable, to quit the said area within 24 hours and such persons shall not after the lapse of the said time, remain in or reenter that area without the premission of the said Magistrate.

(2) Before making an order under subsection (1) the Magistrate shall.

(a) cause a notice to be served on the person concerned, in the manner provided in chapter VI of the Code of Criminal Procedure for the service of summons, indicating why his presence in the area specified therein is considered undesirable and calling upon him to show cause within the period fixed in the notice why he should not be directed to quit the said area, and

(b) record his objection and the evidence in support of it, if any, he may offer.

(3) When the person against whom an order is made under this section after enquiry as provided in such section (2) considered undesirable and if he is a subject of His Highness the Maharaja owning land assessed to Land Revenue or paying any tax or rate to the Government or to any local authority, the order shall be in force for a period of six months only provided that this period may be extended from time to time by further orders passed after fresh enquiry in conformity with the procedure laid down in subsection(1) ,

1537

(4) Every order made under this section shall be in writing and shall contain a statement of the reasons therefor.

(5) An order made under this section shall be appealable to the High Court by the aggrieved party.

Explanation:

No person shall be deemed to be an undesirable resident for the purpose of this section unless-

(a) He has xxxxxxxx previously convicted of-

(1) an offence punishable under section 13 of this Regulation, or

(ii) Theft of mining material or dishonestly receiving or retaining stolen mining material, or

(b) There is grave suspicion of his complicity in comitting theft or dishonestly receiving or retaining stolen mining material, or

(c) He is a known disorganiser of labour, or

(d) He has no ostensible means of subsistence, or

(e) His presence on the Kolar Gold Fields may otherwise be a source of danger or loss to the gold mining Industry".

2) The addition to sub section (2) of section 35 of the Regulation may be retained.

I beg to remain,
Dear Sir,

Your most obedient servant,

Member, Legislative Council,
Mallasandra, Kolar Taluk,
Kolar.

To

The Ex-Officio Secretary,
Legislative Department,
Bangalore.

Camp D. No 1 E&D 39 1747/p

8159 28/9

Ubban Estate
BALLUPETE.P.O.
HASSAN

17th Sept 1930

Dear Sir,

I thank you for yours No.1450-80 of 10th inst, asking for an informal expression of my views with reference to the proposed Bill to amend the Mysore Mines Regulation 1906.

Mining regulations cannot follow the ordinary legal preceedure and special laws to meet certain conditions are necessary as in the case of other areas leased out for a specific purpose & therefore those who wish to reside or visit such areas must be bound by regulations made to meet these conditions. This being so I can see little that can be objected to in the proposed Bill by anyone who has honest intentions, except possibly that the bill throws too much responsibility in the hands of one man, ie, the Superintendent of Police, especially as he is also given jurisdiction over such persons as come under (c) & (e) of EXPLANATION, which appear to be matters for dealing with by the Special Magistrate in conjunction with the Police and Mining Authorities, never-the -less I think bill is reasonable & relaxes the rigour of the original Regulation.

yrs sincerely

E W Rutherford

N.Ramiengar Esq,
General and Revenue Secretariat.
Bangalore.

TEL. RESS:
“B gamane Devagowda,
CHICKMAGALUR”
(COFFEE PLANTER)

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P

40/8
CHICKMAGALUR, 28th Decr 1930.

12
4 30/12

N. Shamaiengar Esqr, B.a. B.L.,
General & Revenue Secretariat,
Bangalore.

Dear Sir,

Your office D.O letter No P.3491-3517 d/22nd inst
Calling attention to D.O. letter No P.1450-80 dated 10th Sep
last, enclosing draft Bill for amending Mines Regulati
for my opinion; and I beg to suggest as under:—

1. In Sub Sect. 1, the Power may be vested in the Special Magistrate instead of the D.S.P. so as to allo the proceedings to be more legal.

2. In clause (a) (ii) of Sub Section 7, the In or retention of Mining material may be very insignif or of no value. It may therefore be provided to apply on to the materials of value.

3. In Clause (c) of Sub Sect. 7, there must be Scope for considering the intention of the man, who may be called, “a disorganiser of labour.”

4. In Clause (e) of the Same Sub Section, the wor “Substantial” may be inserted before the word “loss.”

Unless the Bill with the above alterations, is introduced, it will not, in my opinion, satisfactorily impro the provisions of the original Bill, so as to give the necessa help to the Public, the object with which the amendment was sought.

Yours Sincerely
Bagamane Deve Gowda

TEL. ADDRESS FOR ALL OFFICES:
"DESAMUDRE"

3166 941

CODE USED:
A.B.C., 5TH EDITION

# D. S. MALLAPPA

P

आफीसाचें
चा पत्ताः "देशमुद्रे"

डि. एस्. मल्लपा, गोला (खोप्रा), नारल बेपारी, तिपटूर

ब्रांच आफीस:
अरसीकेरी

GENERAL MERCHANT AND COMMISSION AGENT AND WHOLESALE EXPORTER OF
COPRA (GOLA OR GOTA), COCOANUTS, OIL-SEEDS AND OILS

NCH AT ARSIKERE

TIPTUR

No.

Date 23-12-30

881
20 24/12

N. Shama Iyengar Esqr, B.A., B.L.
Asst. Secretary. L. C. Section
Gen. & Rev. Secretariat.
Bangalore

r Sir,

I am in receipt of your letter no 491 - 3517/Legis dated 22nd instant inviting my views on the draft Bill to amend the Mysore Mines Regulation. In reply I request you to kindly cause a copy of the draft bill sent to me. The one you had send formerly has been mislaid somewhere & hence I am not in a position to express my opinion till I get from you another copy

Please also cause to be sent ~~all~~ answers to interpellations of the recent session of the Legislative Council. (All the 4 parts are required)

Yours sincerely
D S Mallappa

Murugasem Pillay,
Member M. L. C.

3167 1042

BANGALORE, 23rd Decr: 1930.

24/12

Dvr 24/12

To.

N. Shanmugar Esqr.
Gen: & Rev: Secretariat
Bangalore.

Dear Sir

With reference to your No 3491-3517 D/22-12-30, wishing my views on the Legis: draft-Bill to amend the Mysore Mines Regulation

I regret that I have not received the draft as per your D O letter No P 1450-80 D/10th September 30.

Shall be thankful by your sending me a copy of the draft-bill, at an early date

I remain
Yours Sincerely
P. Murugasem Pillay

3198 930
P 43 H

RAJASABHABHUSHANA
K. R. SRINIVASIENGAR
RETIRED MEMBER OF COUNCIL

THIRD CROSS ROAD, BASAVANGUDI
Bangalore City, 25/12/30

Legis

Dear Sir

With reference to your letter no P 3491-3517/Legis of 12 inst (and received by me by post on the 23rd inst) inviting refce to your D O of 10th Sept last asking for my views on the Draft Bill to amend the Mysore Times 3 Regn. I write to state that I have no recollection of having received your letter of the 10th Sept referred to above. I shall be obliged if you will send me a copy of the letter as also of the Draft Bill on which my opinion is required.

Yours truly
Srinivasiengar

To The Secy to the
Legislative Council
Bangalore

45

Appendix F G—1

SUBJECT........................................

General and Revenue Secretariat
(                    )
*the*                    193

Section
File No.
Serial No.
No. 3904-6

*Diary No. of letter replied to*..............

Date of issue 6/1/31

Signed by M.N.S.

To
(1) D. S. Mallappa Esq. (5)
(2) P. Murugesam Pillay Esq. (1)
(3) Rajasabhabhushana (2)
K. R. Srinivasiengar

Sir,

As desired in your letter dated (1) 23 (2) 23 (3) 25-12-1930, I enclose herewi a copy of the Bill to amen the Mysore Mines Regn 190 together with a copy of this office D.O. letter No 1450- dated the 10th September 1930.

I have etc.

[over

List of enclosures..........

[illegible] in the 5 [illegible] K.R.S. only

Copied by..........

Examined by..........

2 copies each of Chitupattikas of the last session of M.L.C. are also sent as desired

WD 02559—GPB—25,000—25-6-30

for Secy to Govt

Despd 3/1/31

~~#13~~ 46

Appendix F G—1

SUBJECT..........................................................

Diary No. of letter replied to..........................

Section

File No.

Serial No.

No. R4031

General and Revenue Secretariat

( )

the 193

Date of issue 9/1/31

Signed by M. NSR

To

K. Chengalraya Reddi Esq

BA., BL

Member Mysore Legis Cl

Kyasamballi P.O.

(Via) Coromandal

~~Dear~~ Sir,

With refce to your ~~D.O.~~ letter dated 1.1.1931, stating that you had communica your views on the draft Bill to amend the Mysore Mines Regn, I am ~~[illegible]~~ directed to make ~~[illegible]~~ refce to your letter dated 2.11.19

Rec [over

List of enclosures..........................................

Copied by 8/1

Examined by

V

WD 02559—GPB—25,000—25-6-30

1547

to the Secretary to the Legislative Council, stating that you would send shortly, in the form of a memorandum, ~~that~~ your reasoned ~~objections~~ to the proposed amendment and the particular section in the original bill which is sought to be amended. ~~in the form of a memorandum shortly~~. The memorandum promised may kindly be sent early.

~~Yours sincerely~~
I have &c.

N.B. 7/1 For Secy to Govt, L.D.

Issue 7/1
7/1

~~70~~ 48

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat**

No. 4031/Leg

*Dated, Bangalore,* ~~8th~~ 9 January 1931.

*From*

Chief
*The Secretary to the Government of His Highness the Maharaja of Mysore,*
~~*Law Department.*~~

*To*

K.Chengalraya Reddi, Esq., B.A., B.L.,
Member, Mysore Legislative Council,
Kyasamballi P.O. via Coromandal.

**Sir,**

With reference to your letter dated 1st January 1931, stating that you had communicated your views on the draft Bill to amend the Mysore Mines Regulation, I am directed to invite reference to your letter dated 2nd November 1930 to the Secretary to the Legislative Council, stating that you would send 'shortly', in the form of a memorandum your reasoned objections to the proposed amendment and the particular section in the original bill which is sought to be amended. The memorandum promised may kindly be sent early.

I have the honor to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government.

c.n.

K. R. SRINIVASIENGAR
RETIRED MEMBER OF COUNCIL

Cross Road, Basavangudi,
Bangalore City 16 - 1- 1931.

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P

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE

Proh

CHIEF SECRETARY
16 JAN. 1931

17/1

17/1

Dear Sir,

With reference to your letter No.G.3904-6 (2) Legis. dated the 6th instant enclosing a copy of the Bill to amend the Mysore Mines Regulation 1906, I enclose herewith a note containing my opinion on the proposed Bill.

Yours ~~faithfully,~~ Sincerely,
K R Srinivasiengar

~~18~~ 50

Note on the draft Bill to amend the Mysore Mines Regulation received with the Chief Secretary's letter No.3904-6 (2) /Legis. dated 6th January 1931.

-ooOoo---

I As the Bill is now drafted, a final order of eviction can be passed by the Superintendent of Police against an undesirable for a period of one month without giving him any opportunity to show cause against the order. While recognising the need for prompt action to evict a person from the mining area in public interests, I consider that any such action must be only in the form of an ad interim order, subject to any final orders that may be passed later after proper enquiry, and that no final order of eviction for however short a period should be passed without an enquiry, as it is one of the ~~fundamental~~ Elementary principles of ~~law~~ Justice that no man should be condemned exparte without notice. I would therefore suggest that sub-clauses (4) & (5) may be modified somewhat as follows:-

" Where, owing to the difficulty of serving the notice prescribed in sub-section (2) (a), or for any other cause, the enquiry is likely to be delayed, and the immediate eviction of the person concerned is considered necessary in public interests, the Superintendent of Police may, pending the result of the enquiry, pass an ad interim order of eviction, provided that such order shall not remain in force for a period not exceeding one month."

II I do not know if the Mines Regulation provides for an appeal against the order of the Superintendent of Police. If it does not, I think that provision should now be made for an appeal to the District Magistrate against any order of the Superintendent of Police passed under Section 17.

III Subject to the above observations, I agree to the proposed Bill.

---ooOoo---

16/1/31

9th April 1931.

Mr. K.Chengalraya Reddi, B.A., B.L.,
Member, Mysore Legislative Council,
Kyasamballi P.O. via Coramandal.

With reference to the corresponding ending with this office letter No.P. 4031/Legis dated 9th January 1931 re. your views on the draft Bill to amend the Mysore Mines -- Regulation, I am directed to request that your objections to the proposed amendment in the form of a Memo as promised in your letter dated 2nd April 1930 to the Secretary, Legislative Council, may kindly be sent immediately.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government
Law Department.

C.N.

No. 925 — S. (5)

Bangalore

2nd March 1905.

K.S. Chandrasekhara Aiyar, Esquire, B.A.,B.L.,
Deputy Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

I have the honour to acknowledge with thanks the receipt of your letter No.J.2502 dated the 1st March 1905 with its enclosures.

2. I think that in view of the numerous amendments suggested it will be advisable to have a new Regulation instead of merely amending the existing one.

3. All the alterations which you have suggested appears to me very suitable and I ~~shall~~ will have a fresh draft prepared embodying them.

4. With regard to the word "undesirable" in Section 17 upon which you comment I would suggest omitting the word altogether; it does not seem to be of any use.

5.

5. In para 11 of your letter you comment as to the source from which the reward is to be paid. It is clear that the Magistrate must determine the value of the material confiscated before he can fix the reward and the only way to do this is by actual sale. I would therefore insert the word " sale" before value. In case of Gold there will be no difficulty. In case of other mining material the mines or the Mining Board must purchase the material and this I am sure they will always be willing to do in their own interests. We can first however consult them on the matter.

6. With regard to the remaining Sections(11 - 33) of the existing Regulation I shall deal with these separately before the final draft is taken into consideration. I may however point out that in the draft amendments to Sections 11 & 14 of the existing Regulation, of which a copy is enclosed in your letter, I notice that the addition to Section 14 provides a penalty for infringement of any rule prescribed under Sub Section(2) of Section 11. As this latter is new, the said penalty will not apply to the existing Rules (181 - 183) which deal with Bribery as these Rules have been prescribed under the existing Section 11. To make the penalty applicable these Rules will have to be prescribed under Section 11 Sub Section (2). Is this the intention?

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,

Geological Department.

No. 928-S.
Encl: Two.
Bangalore,
3rd March 1905

Reminder
Issued to the
Dy. Commr. &
Dist. Magistrate.
(No. 1024 of 7.4.05)

K.P. Puttanna Chetty, Esquire,
Deputy Commissioner & District Magistrate,
Kolar District.

I have the honour to forward a copy of a letter from the Secretary, Kolar Gold Field Mining Board, dated 11th February 1905 in regard to certain proposals made by the Board for amending the existing Mines Regulation III of 1897.

2. I also send you a partial draft Regulation (Draft II) embodying the amendments proposed by the Board in so far as these relate to sections 1 to 10 of the existing Regulation.

3. I am directed to request you to furnish me with your opinion and suggestions regarding the proposals contained in the letter from the Mining Board and regarding the amendments embodied in Draft II.

4. I have also to request you to obtain the opinions and suggestions of the Superintendent of Police, Kolar

Gold

Gold Fields, on the same matters and to forward these along with your own comments at your earliest convenience.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Geological Department.

5643/10
P 827

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE.

c23/25

Dated Bangalore, the 16th May, 1928.
17

Dear Sir,

dd 17.5.
Legis

In reply to your D.O. letter No. P.5458/Legis. dated 26th March 1928 regarding the amendment of the Mysore Mines Regulation, I enclose herewith copy of a memorandum received from the Secretary of the Kolar Gold Field Mining Board which contains the views of the Board on the proposed amendment.

On a careful consideration of the matter I am disposed to agree generally with the observations made by the Board on the proposed changes. I should like to add that it is most essential that the name of the informant should not be disclosed by the Superintendent of Police.

I do not quite follow however the comment of the Board contained in paragraph numbered 6 on Clause 3 Sub Clause (1), First paragraph of the Bill. They probably presume that as the name of the informant would not be disclosed the "undesirable" could furnish no rebutting evidence other than evidence in proof of good character. But I do not

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17/5 Issue

not think such a restriction need be specifically imposed though practically that would be the only course open to the "undesirable" in the trial before the District Superintendent of Police.

Yours sincerely,

To

B. Nagappa, Esq., Bar-at-Law,
Legal Remembrancer & Secretary to Government,
Law Department.

5 11

S. Hiriannaiya, Esq., M.A., B.L.,
Inspector General of Police in Mysore,
Bangalore.

Sir,

I have the honor to refer to your letter No.C.23/25 dated 24/26th March inviting the views of the Mining Board on the proposed bill to further amend the Mysore Mines' Regulations. I am desired to express the Board's appreciation of the objects of the proposed amended bill and of the opportunity thus afforded enabling them to submit the following views and suggestions for favour of your consideration:--

The Board observe that:--

(M)

1 The material amendments are contained in clause 3 of the amended bill.

2. These amendments are in accord with the decisions arrived at in conference held in the K.G.F. Club on the 3rd August 1925. between the Board, the Inspector General of Police, the Deputy Commissioner and the District Magistrate and the District Superintendent of Police, except in the following particulars:--

(a) The recording of his reasons by the Superintendent of Police, as the first step, in Sub-clause(1) of clause 3, is a new provision. This was not discussed before the referred to conference, as it appears to have been accepted that the enquiry held by the District Superintendent of Police as a preliminary was a sufficient guarantee of the promises on which he acted.

(b) The issue of a previous notice to the "undesirable" calling upon him to show cause against eviction is also new although there was a reference made by Mr-Bowring at the Conference.

(c) The second proviso to clause 3 restricting the period of eviction in certain cases to six months does not seem to quite fully convey the opinion of the conference in the penultimate paragraph of the proceedings reading:--

" should not be for a period exceedings six months at a tim

In view of the above the Board would submit the followin following suggestions:--

Clause 3,Sub Clause(i) First paragraph

Suggestion. To omit the words"for reasons to be recorded in writing"

Reasons. 1. When recording the reasons,the D.S.P. will necessarily have to state on whose information he is acting.

2. If the recoding of reasons is referred to in the Regulation, the " undesirable" would, in the opinion of the Board,have the right to ask for and obtain the copy of reasons,unless such right is expressely denied by law,or the D.S.P. is allowed by law to claim privilege as in the case of offences.

3. To enact such a denial or to create such a privilege in the present Bill might in the opinion of the Board create unnecessary opposition to the Bill itself.

4. To disclose the informant's name while recording the reasons would expose the informant to the risk of personal danger and would also undoubtly block further detection of cases.

5. The preliminary enquiry always held by the D.S.P. discloses the reasons and the District Magistrate and Government,if appealed to by the "undesirable" have power to examine the records of such previous enquiry.

6. The statement of objects and reasons accompanying the present Bill confines itself to the nature of the charge, that is the nature of the information. This will be disclosed in the form of Notice which Government will prescribe after the bill is passed into Law. It should be made clear in the form of the Notice that on the appearance of the person suspected of being an undesirable before the D.S.P. in respon to the "Show cause" notice the summary enquiry by the D.S.P. will be restricted to such evidence as the suspected"undesira able" might adduce in proof of his good character.

Clause 3, Sub Clause (i) Third paragraph.

Suggestion. To make clear the provision for renewal by more periods than one,the word"order" be altered to"orders".

Reason. In its present form the proviso is capable of

~~a plausible interpretation restricting the~~

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of a plausible interpretation restricting the renewal to once only, which the Board feel is not the intention.

The suggested alteration will remove a possible doubt.

Clause 3, Sub-clause(2) Explanation(i)

Suggestion. To add the "words" or under S.13 of this Regulatio whereby it will read "All persons who have convictions(a) for the (b)for receiving mining material or(c)under section 13 of this Regulation."

Reason. Persons convicted under the Mines Regulation in respe of Mining material are equally if not more dangerous and undesirable.

Explanation (ii)

Suggestion. To omit the words" Underground gold thieves an " and to substitute the word "all"

Reason The remaining portion of the explanation is cons to be sufficiently comprehensive to include the deleted por

Explanation (iii)

This may be omitted as it is amply covered by explanation(ii)

Explanation (iv and V)

No remarks.

In placing the above views before you the Board have kep constantly in mind the proceedings of the confernece of July 192 and trust that the suggestions will not be considered to deviate therefrom.

I am desired to state that should you desire to further discuss the matter the Board will be pleased to meet you either here or in Bangalore as may be most convenient to you.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary.

C o p y

For, Inspector General of Police.

# A Bill further to amend the Mysore Mines Regulation, 1906.

Whereas it is expedient further to amend the Mysore Mines Regulation, 1906; it is hereby enacted as follows:.

1. This Regulation may be called the "Mysore Mines (Amendment) Regulation, 192

2. In section 3 of the Regulation after clause (10) the following clause shall be inserted:-

(11) 'Prescribed' means prescribed by rules made under the Regulation.

3. For section 17 of the Regulation, 1906 the following shall be substituted:-

To omit the words "for reasons to be recorded in writing.

(1) Or

(1) may be retained

22/5.

(1) The Superintendent of Police, Kolar Gold Fields, may, (for reasons to be recorded in writing and) after issuing a notice in the form prescribed to show case within a period fixed therein, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within 24 hours, and such person~~s~~ shall not after the lapse of the said time remain in, or re.enter the said area without the permission of the said Superintendent of Police.

Provided that in cases where the immedia removal of any person is considered necessary the Superintendent of Police may by an order direct the said person to quit such area - without issuing such notice, the said order being in force for a period of one month unless an order in the ordinary course is sooner passed;

The word order to be altered to "orders"

**Provided also that when such a person is a subject of His Highness the Maharaja and bona-fide pays kandayam, the order issued after notice to show cause will have effect only for six months, subject to ~~a~~ further orders, if necessary, being issued after the expiry of that period.**

(2) may be adopted 22/5

(2) An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

Explanation. Persons whose residence will be deemed undesirable within the meaning of this section will include,

All persons who have convictions (a) for theft (b) for receiving mining material or (c) under sec.13 of this Regulation:
All those against whom there is grave suspicion that they are stealing or receiving mining material or their associates.

(3) (4)

(1) All persons who have convictions (a) for theft or (b) for receiving mining material, or (c) under Section 13 of this Regulation — are

Or (ii) (Under-ground gold) thieves and those against whom there is grave suspicion that they are stealing or receiving mining material or their associates,

To be omitted.

(5) Or

(iii) Persons against whom there is strong presumption that they are receiving gold from coolies working on the Mines,

No remarks.

(iv) Disorganisers of labour, and

(v) Persons who have no ostensible means of subsistence and whose ~~persons~~ presence on the Fields is considered dangerous or not safe in the interests of the gold mining industry.

4. To sub-section (2) of section 35 of the said Regulation, the following clause shall be added:-

(c) Power to write off as irrecoverable, subject to such conditions as Government may prescribe, sums due on account of any tax rate xxxxx or cess of costs in recovering any such tax, rate or cess.

# A BILL FURTHER TO AMEND THE MYSORE MINES REGULATION, 1906.

----

Whereas it is expedient further to amend the Mysore Mines Regulation, 1906; It is hereby enacted as follows.-

1. This Regulation may be called the "Mysore Mines (Amendment) Regulation, 192

clause (10), the following clause shall be inserted (11) 'Prescribed' means prescribed by rules made under the Regulation.

3. For section ~~s~~ 17 of the ~~Mysore Mines~~ Regulation, 1906, the following shall be substituted:-

(1) The Superintendent of Police, Kolar Gold Fields, may, for reasons to be recorded in writing and after issuing a notice (in the form prescribed) to show cause within a period fixed therein, direct any person, whose residence within such area as may be notified by Government, from time to time is considered undesirable, to quit the said area within 24 hours, and such person shall not after the lapse of the said time ~~xx~~ remain ~~at~~ in, or re-enter, the said area -- without the permission of the said Superintendent of Police:

sht

Provided that in cases where the immediate removal of any person is considered necessary, the Superintendent of Police may by an order direct ~~the~~ - said person to quit such area without issuing such notice, the said order being in force for a period of one month unless an order in the ordinary course is sooner passed;

Provided

Provided also that when such a person is a subject of His Highness the Maharaja and bona-fide pays kandayam, the order issued after notice to show cause will have effect only for six months, subject to a further order, if necessary, being issued after the expiry of that period.

(2) An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

Explanation. Persons whose residence will be deemed undesirable within the meaning of this section will include,—

(i) All persons who have convictions for theft or for receiving mining material,

(ii) Under-ground gold thieves and those against whom there is grave suspicion that they are stealing or receiving mining material or their associates,

(iii) Persons against whom there is strong presumption that they are receiving gold from coolies working on the Mines,

(iv) Disorganisers of labour, and

(v) Persons who have no ostensible means of subsistence and whose presence on the Fields is considered dangerous or not safe in the interests of the gold -- mining industry.

P.T.O

19 /18

4. To sub-section (2) of section 35 of the said Regulation, the following clause shall be added:-

(c) Power to write off as irrecoverable, subject to such conditions, as Government may prescribe, sums due on account of any tax, rate cess or of costs in recovering any such tax, rate or cess. ~~any fees chargeable for distress by~~

# Statement of Objects and Reasons.

It has been represented that the provisions of section 17 of the Mysore Mines Regulation, 1906, has been operating as a hardship from the point of view of the person to whom notice is given to quit the mining area, in as-much as the term "undesirable" is not defined in the Regulation, no limit is laid down as to the period during which an order under the section should remain in force and no previous enquiry is prescribed nor any provision made to intimate to the undesirable ~~the~~ the nature of the charge against him. A resolution, pointing out the said hardship and recommending its abrogation was moved in the Legislative Council Session of June 1925 by Mr.B.Narasinga Rao, who withdrew the resolution on the assurance of the Dewan President that all interests -- would be considered and final orders passed. The matter has been carefully considered by Government and it is proposed to amend section 17 as in the -- Bill annexed with a view to remove the hardship complained of.

The main provisions of the Bill are:-

(1) It provides for giving an opportunity to the undesirable to show cause against the notice to quit except in urgent cases.

(2) The order to quit will have effect in the case of a subject of His

Highness the Maharaja paying kandayam only for six months, subject to a further order if necessary after that period. (3) The expression 'undesirable ' is explained.

Section 35 (2) (b) of the Mysore Mines Regulation enables Government to invest the Kolar Gold Fields Sanitary Board with power to levy taxes, rates or cesses within its area, but contains no provision for empowering the Board to write off sums due on account of any such taxes as irrecoverable. The amendment is intended to enable Government to give the necessary power to the Sanitary Board.

## STATEMENT OF GENERAL PRINCIPLES OF THE BILL FURTHER TO AMEND THE MYSORE MINES REGULATION, 1906

=========

Under Section 17 of the Mysore Mines Regn. 1906, the Superintendent of Police, K.G.F. may by order in writing direct any person whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within 24 hours and such person cannot thereafter remain at or re-enter the said area without the permission of that officer. But the expression "undesirable" is not defined, the nature of the charge is not required to be intimated to the person concerned, no previous inquiry is prescribed and no limit is laid down as to the period during which an order passed under the Section ~~should~~ may remain in force. A resolution moved in the Legislative Council in June 1925 brought prominently to notice the absence of these safe-guards and in pursuance of the assurance then given by Govt., the question has been carefully considered and it is proposed to amend the Section so as to remedy the defects referred to above as far as possible. Briefly, the amendment in view is to define the classes of persons liable to be treated as undesirable for the purposes of this Section and to provide for an opportunity being given, ordinarily, to such persons to show cause before they are ordered to quit, and for such orders having effect, in the case of subjects of His Highness the Maharaja paying kandayam, only for 6 months, in the first instance.

# A Bill further to amend the Mysore Mines Regulation, 1906.

======

Whereas it is expedient further to amend the Mysore Mines Regulation, 1906; It is hereby enacted as follows:-

~~(1) This Regulation may be called the Mysore Mines (Amendment) Regulation, 192 . . .~~

~~(2) It shall come into force at once.~~

1. For Sec. 17 of the Regulation the following shall be substituted:-

"17 (1) The Superintendent of Police for the Kolar Gold Fields, may by an order direct any person, whose residence within such area as may be notified by the Govt. from time to time is considered undesirable, to quit the said area within twenty-four hours and such person shall not, after the lapse of the said time, remain in or re-enter that area without the permission of the said Superintendent of Police.

(2) Before making an order under Sub Sec.(1) the Superintendent of Police shall,

(a) cause a notice to be served on the person concerned, in the manner provided in Chapter VI of the Code of Criminal Procedure for the service of summons, indicating why his presence in the area specified therein is considered undesirable and calling upon him to show cause within the period fixed in the notice why he should not be directed to quit the said area, and

(b) record ~~the~~ his objection and the evidence in support of it, if any, he may offer.

(3) Where the person against whom an order is made under this Section after ~~due~~ inquiry as provided in Sub Sec. (2) is a subject of H.H. the Maharaja owning land assess~~ment~~ed to land revenue or paying any tax ~~x~~ or rate to the Govt. or to any local authority, the order shall be in force for a period of six months only, provided that this period may be extended from time to time by further orders passed after fresh inquiry in conformity with the procedure laid down in sub Sec. (2)

(4) Nothing herein contained shall be deemed to invalidate an order made without inquiry as provided in sub section (2), where in the opinion of the Superintendent of Police, the interests of the Gold Mining industry demand the immediate removal of the person affected thereby.

(5) An order made under Sub Section (4) shall be in force for a period of one month only unless a further order in conformity with the procedure laid down in Sub Section (2) is sooner passed.

(6) Every order made under this Section shall be in writing and shall contain a statement of the reasons therefor.

~~26~~ 25

(7) An order made under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

~~(a) he has been previously convicted of — (i) an offence punishable under s. 13 of this Regn., or (ii) theft or dishonestly receiving or retaining mining material~~

Explanation :- No person shall be deemed to be an undesirable resident for the purposes of this section unless --

~~(a) he has been convicted previousl of theft of ~~or receiving~~ mining materia or dishonestly receiving or retaining stolen or of an offence punishable under Sec. 13 of this Regulation, or~~

(b) there is grave suspicion of his complicity in committing theft of or dishonestly receiving or retaining stolen mining material, or

(c) he is a disorganiser of labour, or

(d) he has no ostensible means of of subsistence, or

(e) ~~whose~~ his presence on the K.G.F. ma otherwise be a source of danger or loss to the Gold Mining Industry.

Approved by members
the 2nd
R. m'
30/4/29

2. To Sub section (2) of sec 35 of the Regn. the following clause shall be added:-

"(c) power to write off as irrecover able, subject to such conditions as the Govt. may prescribe, sums due on account of any tax, rate or cess or the costs in recovering such tax, rate or cess.

Has not this been put through?
Vz

he has been previously convicted of —
(i) an offence punishable under Section 13 of this Regulation, or
(ii) theft of mining material or dishonestly receiving or retaining stolen mining material, or

Vz
4/5/29

R. m' 11/5

## Statement of General Principles of the Bill further to amend the Mysore Mines Regulation, 1906.

A statement of general principles of this Bill was placed before the R.A, at the last Dasara Session, ~~and~~ While approving of Clause 2 of the Bill, the Assembly desired that the class of undesirable persons liable to removal from the Mining Area should be clearly defined and that before passing an order directing such removal the person affected thereby should be given an opportunity to state his objection and also adduce evidence in support of it.,

It was further suggested that the limit of six months to the currency of such an order in the first instance should apply not only to subjects of H.H. the Maharaja paying land revenue but also to ~~subjects~~ those who pay rates or taxes to any local authority in the State.

The Bill has now been revised in the light of the foregoing suggestions and appended to this statement.

~~28~~ 27

# A Bill further to amend the Mysore Mines Regulation, 1906.

Preamble.

Whereas it is expedient further to amend the Mysore Mines Regulation, 1906; it is hereby enacted as follows:.

Short title.

1. This Regulation may be called the "Mysore Mines (Amendment) Regulation, 192

Amendment of Section 3

2. In section 3 of the Regulation after clause (10) the following clause shall be inserted:-

(ii) 'Prescribed' means prescribed by rules made under the Regulation.

Amendment of Section 17

3. For section 17 of the Regulation,1906 the following shall be substituted:-

(1) The Superintendent of Police, Kolar Gold Fields, may, for reasons to be recorded in writing and ~~for reasons to be recorded in writing and~~ after issuing a notice in the form prescribed to show cause within a period fixed therein, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within 24 hours, and such person~~s~~ shall not after the lapse of the said time remain in, or re-enter the said area without the permission of the said Superintendent of Police.

Provided that in cases where the immedia removal of any person is considered necessary the Superintendent of Police may by an order direct the said person to quit such area without issuing such notice, the said order being in force for a period of one month unless an order in the ordinary course is sooner passed;

Provided also that when such a person is a subject of His Highness the Maharaja and bona-fide pays kandayam, the order issued after notice to show cause will have effect only for six months, subject to ~~a~~ further orders, if necessary, being issued after the expiry of that period.

(2) An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

Explanation. Persons whose residence will be deemed undesirable within the meaning of this section will include,

(i) All persons who have convictions (a) for theft or (b) for receiving mining material or (c) unde Section 13 of this Regulation;

(ii) ~~Under-ground gold thieves and those~~ All ~~[illegible]~~ perso against whom there is grave suspicion that they are stealing or receiving mining material or their associates;

~~(iii) Persons against whom there is strong presumption that they are receiving gold from coolies working on the Mines,~~

(iii) Disorganisers of labour, and

(iv) Persons who have no ostensible means of subsistence and whose ~~persons~~ presence on the Fields is considered dangerous or not safe in the interests of the gold mining industry.

Amendment of Section 35

4. To sub-section (2) of section 35 of the said Regulation, the following clause shall be added:-

(c) Power to write off as irrecoverable, subject to such conditions as Government may prescribe, sums due on account of any tax rat ~~[illegible]~~ or cess or costs in recovering any such tax, rate or cess.

## Statement of Objects and Reasons.

It has been represented that the provisions of section 17 of the Mysore Mines Regulation, 1906, has been operating as a hardship from the point of view of the person to whom notice is given to quit the mining area, in as much as th term "undesirable" is not defined in the Regulation, no limit is laid down as to the period during which an order under the section should remain in force and no previous enquiry is prescribed nor any provision made to intimate to th undesirable the nature of the charge against hi A resolution pointing out the said hardship and recommending its abrogation was moved in the Legislative Council Session of June 1925 by Mr. B.Narasinga Rao, who withdrew the resolutio on the assurance of the Dewan President that al interests would be considered and final orders passed. The matter has been carefully consider by Government and it is proposed to amend secti 17 as in the Bill annexed with a view to emove the hardship complained of.

The main provisions of the Bill are:-

(1) It provides for giving an oppertunity t the undesirable to show cause against thenotice to quit except in urgent cases.

(2) The order to quit will have effect in t case of a subject of His Highness the Maharaj paying kandayam only for six months, subject t a further order if necessary after that period.

(3) The expression 'undesirable' is explai

Section 35 (2) (b) of the Mysore Mines Re lation enables ~~im~~ Government to invest the Kol Gold Fields Sanitary Board with powers to levy

levy taxes, rates or cesses within its area, but contains no provision for empowering the Board to write off sums due on account of any s such taxes as irrecoverable. The amendment is intended to enable Government to give the necessary power to the Sanitary Board.

31

R450-80 [illegible] each

To

The Non-Official Members of the
Legislative Council.

30 Copies

Dear Sir,

The attention of Government having been drawn, at the last session of the Legislativ Council, to the need for relaxing the ~~[illegible]~~ rigour of the provisions of the Mines' Regulation under which undesirable persons are removed from the K.G.F., I am desired to forward herewith for your information a copy of the Bill already framed to this end and placed before the R.A. in June last year. The Bill has not been proceeded with on account of the R.A. having been inclined to go further than Government are prepared to do in this direction. As the question has been revised again, Government will have no objection to introduce this Bill in the Legislative Council if the general opinion is that it would meet the reasonable requirements of the situation. ~~and~~ they will be glad to have your views in the matter.

9/10/30

But before doing so they would like to sound the opinion of members informally.

Yours sincerely,

TD

No 930-S.
Encl. one.

3rd March 5

The Secretary,
Kolar Gold Field Mining Board.

In continuation of my letter No. 880-S, dated 18th February 1905, I have the honour to forward herewith an amended draft Mining Regulation (Part) - Draft II - embodying the amendments of the existing Regulation suggested in your letter of 11th February 1905, and to request you to furnish me with the opinions and suggestions of your Board thereon at your earliest convenience.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
In. Geological Department.

Inclosure 6

~~Proposed amended Mines Regulation (Part).~~

~~Draft II.~~

Revised draft of The Mysore Mines Regulation

~~of 190 .~~

Draft of

A Regulation for the protection of Mining Property and the prevention of Theft of Mining Materials, and to provide for the Regulation and Inspection of Mines, and for the Sanitation of Mines and their neighbourhood.

Regn. III of 1897,
Preamble.

Preamble.

Whereas it is expedient to make special provision for the [illegible] to prevent the theft of mining materials in Mysore, and to prevent and punish the offence of receiving and disposing of stolen mining materials; and whereas it is further expedient to make provision for preventing danger to human life and safety, and for the sanitation of the mines and their neighbourhood: His Highness the Maharaja of Mysore is pleased to enact as follows:-

Regn. III of 1897,
Section 1.

Short title.

1. This Regulation may be called "The Mysore Mines Regulation, 190 ."

Local extent and commencement.

It extends to the whole of Mysore, and shall come into operation on the passing thereof.

Repeal.

2. The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.

Regn. III of 1897,
section 2.

Interpretation.
Mining operation.

3. In this Regulation, unless there be anything repugnant in the subject or context,

"Mining operation" includes -

(a) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(b) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; ~~ad~~ and

(c) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

Mining Block.

"Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.

Mine.

"Mine" means any place above or below ground where any mining operation is carried on and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.

Mining Proprietor.

"Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining material.

"Mining Material" includes:-

(1) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, apparatus, tools and materials used in such treatment and extraction;

(3) dynamite, nitro glycerine, blasting gelatine, gelatine dynamite, fuze, detonators and other explosives used or intended to be used in mining operations;

(4) stearine candles distinguished by the wax being of a light pink colour, and coal;

and (5) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time by notification published in the official Gazette to be mining materials.

Unwrought gold.

"Unwrought gold" includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up in articles of jewellery, vessels or coins.

Gold dealer.

"Gold dealer" means any person who buys or sells unwrought gold, or receives unwrought gold, ~~or~~ b way of barter or pledge.

"Gold-Smith" means any person who by pro-

Gold-smith.

fession melts, refines, or works in unwrought gold or silver or who engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.

Inspector of Mines.

"Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned.

## Protection of Mining Property.

Regn. III of 1897,
section 3.

Sections 5 to 22 may be applied to specified areas.

4. (1) The provisions of sections 5 to 22 inclusive shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.

(2) The Government may, by a like notification, cancel or modify any direction given under sub-section (1).

Regn. III of 1897,
section 4.

Mining materials not to be purchased, conveyed or kept without written permission.

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such mining proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey or keep any such mining material otherwise than for use for

mining purposes on behalf of, and in such places as may be specially authorised by, such Mining Proprietor or his Superintendent.

Regn. III of 1897, section 3

Penalty for unlawful possession of mining materials.

6. Any person found to be in possession of any mining materials without the written permission of a Mining Proprietor or Superintendent and unable to

Regn III of 1897, section 5.

Licenses required for gold dealers and gold-smiths.

7. It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license nor to carry on the profession of a gold-smith without a gold-smiths's license as hereinafter provided.

Provided that it shall not be necessary for a Mining Proprietor to take out a gold-smith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

Regn. III of 1897, section 6.

Power to grant a license.

8. The licenses referred to in section 7 may be issued by a Magistrate of the 1st class on payment of such fees as the Government of Mysore may by rule prescribe in that behalf, and every license shall terminate on the

31st day of December of the year in which it is issued. Every gold dealer's license shall be in the form prescribed in schedule 1 and every goldsmith's license in the form prescribed in schedule 2.

All applications for licenses shall be in the form prescribed in schedule 5.

Regulation III of 1897, sec. 6.

Power to cancel a license.

9. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a 1st class Magistrate on the licensee being convicted of any offence or misdemeanour which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate, other than the District Magistrate, shall be appealable to the District Magistrate whose order shall be final.

Books to be maintained.

10. (1) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a gold dealer's Register) in which the receipt or disposal of all unwrought gold shall be immediately entered in the form prescribed in schedule 3.

(2) Every licensed gold-smith shall keep at his place of business a book (hereinafter called a gold-smith's Register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold

stuff received, treated or disposed of by him shall be entered immediately entered in the form prescribed in schedule 4.

(3) A true copy of all entries in every gold dealer's register and in every gold-smith's register during each calendar month shall be sent by the licensee to the Superintendent of Police, Kolar Gold Field, within seven days of the close of each month, and every such Register together with any articles or items of gold referred to therein shall be open to inspection at any time by any police officer, not below the rank of Chief Constable, or any police officer specially authorised in this behalf by the Superintendent of Police, Kolar Gold Field, or by a 1st class Magistrate; provided that the person making such inspection shall not divulge the result thereof to any person other than a superior officer, or by order of a Criminal Court, under a penalty on conviction not exceeding Rs. 100/-.

Gold-smiths not to deal with gold &c. until after three days of receipt.

11. No licensed gold-smith shall melt, work, use or deal with any of the materials directed to be entered in his Register under section 9 until after the expiry of three clear days from the time when such material is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a gold-smith in any way which does not change or destroy the identity of such articles.

Penalty for unlawful possession of unwrought gold.

12. It shall not be lawful for any person to have in his possession any unwrought gold unless

he holds a gold dealer's license or a gold-smith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Any person found in possession of unwrought gold and unable to prove that the same was obtained in a lawful manner shall, on conviction before a Magistrate, be liable to the penalty provided in section 13.

Regn. III of 1897, Section 9.

Penalty for breach of sections 5,6,7,10,11 & 12.

13. Any person committing a breach of any of the provisions of sections 5,6,7, and 10,11 & 12 shall, except in the case mentioned in the proviso to sub-section (3) of section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

Regn. III of 1897, Section 10.

Substitution or addition of whipping in certain cases.

14. It shall be in the discretion of the Magistrate, in the case of any person, not being a female, [illegible] 393 [illegible] who shall be convicted under section 13 of a second breach of any of the provisions of sections 5,6,7, and 12 to award whipping under the provisions of the Mysore Whipping Regulation, 1903, either in substitution of, or in addition to, the penalty provided in section 13.

## Powers of Search - Liability for Illegal Possession - Trespass.

8

Regn III of 1897, section 7.

15. Any police officer, not below the rank

Power to search.

of an officer in charge of a Police Station, may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Liability of occupier etc. of premises in regard to unwrought gold or mining material seized therein.

16. Any person being the reputed tenant or occupier of any premises at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any Police Officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of sections 6 or 12 as the case may be until he proves the contrary.

Liability of person present, when unwrought gold or mining material is seized on premises.

17. (1) Any person who is charged before a Magistrate with being on any premises at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found and seized by any Police Officer, and who is unable to satisfactorily account to the Magistrate for his presence there, shall be liable on conviction to the penalty provided in section 20.

(2) Any person may be convicted under this section notwithstanding that no charge is

laid or conviction obtained against the tenant or occupier or reputed tenant or occupier of the premises under section 16.

Unemployed persons may be ordered off any mine or cooly colony.

18. Any unemployed person who shall have been ordered off a mine by an order in writing signed by the Superintendent of the mine and who subsequently to such order reenters upon the mine without the permission of the Superintendent and any person who is not employed at any mine and who has been directed by an order in writing signed by the Superintendent of Police to vacate a Government cooly colony and who subsequently to such order returns to a Government cooly colony without the sanction of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in section 20.

Licenses required for hawkers etc.

19. No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the 1st class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person carrying on such business without such license shall be liable on conviction before a Magistrate to the penalty provided in section 20.

Penalty for breach of sections 17,18 & 19

20. Any person committing a breach of any of the provisions of sections 17,18 and 19 shall be liable on conviction to fine not exceeding one

hundred rupees or imprisonment of either description for a term not exceeding three months, or both.

Cognizability of offences by the Police.

21. All offences under sections 5,6,7,10, 11,12,16,17,18 and 19 of this Regulation shall be cognizable by the Police.

Payment of Rewards.

22. Any Magistrate~~s~~ ordering the confiscation of any gold or mining material may grant a reward not exceeding the sale value of the gold or mining material confiscated, in such proportion as he may think fit, to any person or persons, not being a police officer, who may have contributed to the seizure of the gold or mining material or to the conviction of the offender.

GEOLOGICAL DEPARTMENT
9 · MAR. 05
668-S.
MYSORE

**THE KOLAR GOLD FIELD MINING**
**OORGAUM,**
MYSORE STATE,
S. INDIA,

7th March 1905.

Dr. W. F. Smeeth, M. A., A. R. S. M., &c.,
Secretary to the Government of H. H.
the Maharaja of Mysore,
Geological Department,
Bangalore.

Sir,

In acknowledging the receipt of your letter No: 930 - S, dated the 3rd March, 1905, enclosing an amended draft Mining Regulation (Part) - Draft II - I have the honor to inform you that in the opinion of the Mining Board the draft embodies all the suggestions set out in this office letter dated the 11th February, 1905, and, as such, meets with the Board's entire approval.

Regr. & file
ADS
9.3.05

I have the honor to be,
Sir,
Your most obedient servant,

Secretary.

Submitted to the Secretary for information.
This may, I think, be filed till the opinions of the Dy. Commr. & the Dy. Secy. are received.
[illegible]
10.3.05

Seen by Secy
File
ADS
[illegible]

182 7.4: 43 904 05

No. 9/2864 Legis.

(9)

GEOLOGICAL DEPARTMENT
6 APR 05
740-S
MYSORE

From

K.S.Chandrasekhara Aiyar Esq., B.A. B.L.,
Deputy Secretary to the Government of His Highness
the Maharaja of Mysore, General and Revenue Dept.

To

Dr. W.F. Smeeth M.A.D.Sc.&c.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Geological Department.

Dated Bangalore, the 6 April 1905.

Sir,

Owing to my absence on leave and other causes your letter of the 2nd March 1905, No.925-S, in regard to the revised draft of the Mines Regulation, has only just been placed before me, and I hasten to reply to the query at the end of para 6 thereof.

2 The existing section 11 of the Regulation empowers Government to make rules "for the prevention of danger to human life or safety, for the reporting and investigation of accidents and for other matters connected with mining oper [illegible] very doubtful if the prevention of bribery is a matter that, strictly speaking, has any connection with the carrying on of mining operations. It is in order to remove the doubt and to bring bribery under matters on which rules may be made, that it has been proposed to add a new sub-section (2) as in the draft Regulation sent to the Government of India. Its passing will validate the rules (181 to 183) to which you refer; and since these, I understand, already purport to have been made under section 11 I do not know that it is absolutely necessary to re-issue them under what will merely form a portion of the entire section. But perhaps it would be as well to do so in order to abviate all possible uncertainty.

Regr & acknowledge that the Secy is very much obliged for the information.
6/4/05

I have the honor to be,
Sir,
your most obedient servant,

KSChandrasekhara
Deputy Secretary.

SN

(11)

1905.

From
The Deputy Commissioner and
District Magistrate
Kolar District

To The Secretary to the Govt: of
H. H. the Maharaja of Mysore
Geological Department

Dated
Despatched } April 1905.
Received

General No. C 536.
No.

Enclosure No. one

Re proposals for amending the existing Mines Regulation III of 1897 and the draft Regulation embodying the amendments.

GEOLOGICAL DEPARTMENT
Ref. No.
17 APR. 05
783-S.
MYSORE.

Office of the Deputy Commissioner,
& District Magistrate, Kolar District

Dated, April 1905.

From,

K.P. Puttannachetty Esquire
Deputy Commissioner and
District Magistrate
Kolar District.

To,

Dr. W. F. Smeeth, M.A., D.Sc., A.R.S.M. &c
Secretary to the Government of
His Highness the Maharaja of Mysore
Geological Department.

Sir,

Adverting to your letter No. 928-S dated 3.3.05 forwarding copy of a letter from the Secretary to the Kolar Gold Field Mining Board, dated 11.2.05, in regard to certain proposals for amending the existing Mines Regulation III of 1897 and the draft Regulation embodying the amendments and calling for my opinion and suggestions thereon, I have the honor to state as follows:-

2. The Mines Regulation III of 1897 was passed, as the preamble to the

Regulation

Regulation sets forth, to make special provision (1) to prevent the theft of mining materials in the Territories of Mysore, (2) to prevent and punish offences of receiving and disposing of stolen mining materials (3) for preventing danger to human life and safety, and (4) for the sanitation of the mines and their neighbourhood. The 1st two objects relate to the protection of the financial interests of the Companies working on the Field, the 3rd applies to the protection of the men who are employed or engaged in the operations connected with the process of the extraction of gold, and the last i.e. concerns the municipal welfare of all who either voluntarily or by force of circumstances elect to reside on the Fields.

3. The Regulation has been at work for the past 7 years, and it is now time

to

to rectify or amend it in such a manner as to bring it into line with the growing needs of the Industry.

4. It is a matter of common knowledge that notwithstanding the improved Police organisation, both in strength and efficiency, theft and illicit traffic in mine gold flourish to a remarkable extent. This I say without casting any reflections on the Police. It is therefore reasonable that the companies should be protected from this incessant drain. The interests of Government are equally involved with those of the shareholders in this matter.

5. Experience has taught that heavy punishment in gold cases and preventive measures to keep out habitual bad characters have made no sensible impression on the quantum of gold thefts. The reason is obvious. The present provisions of the Regulation do not reach the

the important class of men dealing in gold and who act in collusion with those who pilfer gold from the mines.

6. The further restriction of public rights and liberties in any particular area beyond what the general law of the land lays down, may, no doubt, work some hardship to the public at large residing in that particular area. But special provisions to protect and safeguard the interests of large works of the nature of mining operations which afford livelihood to the mass of the population and contribute to the revenues of the State, cannot be viewed as repressive or arbitrary if they are reasonable and at the same time limited in their operation to the small area absolutely needing protection. The Gold Fields and its neighbourhood ~~consist~~ of a floating —

population

population of persons from all parts of the country who voluntarily reside there for labor or some profitable business which the mines afford. They have no settled abode or vested interests in land to claim all the privileges of ordinary citizenship. If their intentions are honest they should not grudge their freedom of action being abridged to a certain extent for the prosperity of the very source of their livelihood.

7. Para 3 of the letter of the Secretary to the Mining Board states that they do not wish that the area now under the operation of the Regulation should be extended. I congratulate the Board on this sound view and I should be the last person to recommend any such extension. The Mining Board only propose certain amendments as the provisions of the Regulation now in force, have

been

been found wanting to secure fully the objects which "e Government had in view in passing the Regulation in 1897.

8. It stands to reason that restriction should be placed on gold trade in the centre of its production. The nature of the industry is such that gold is produced in an open and unprotected manner. and it cannot be otherwise. now, that the methods of converting auriferous quartz into commercial gold are within the knowledge of every Cooly on the Field boys of tender age included, the necessity for bringing unwrought gold under the operation of the Regulation is found to be imperative. It is an open secret that receivers are hovering over the Fields in the guise of jewellers. gold-smiths, gold-dealers,

hawkers

hawkers and pedlars and ostensible visitors of friends and relations on the Field. Unless restrictions are placed on these classes of men by requiring that their transactions and movements should be open to the scrutiny and supervision of the Public authorities there is no likelihood of an abatement in the volume of thefts of mine gold.

9. The Mines Regulation as it now stands takes cognizance of the gold-smith only. This is a class quite distinct from the dealer and is only auxiliary to the latter. The gold-smith generally works for the sowcar, the gold-dealer. All gold transactions are for the most part carried on through the latter, but the present Regulation does not touch

him

him. He need not keep any books nor account for the unwrought gold found in his possession unless it can be proved to be mine-gold after an elaborate process of chemical analysis costing time and labor and resulting sometimes in loss to the owner by diminution in substance even when no characteristics of mine-gold are found therein. As he carries on a profitable business in the mining area he may reasonably be called upon to submit to certain restrictions, viz, to take out a license, maintain accounts &c.,

10. Section 12 of the draft amended Regulation throws the burden of proving lawful possession even on a private person owning unwrought gold in the

mining

mining area, who is not a dealer in gold. This may involve a certain amount of hardship to private individuals, but it is necessary for the protection of the larger interests of the mining Industry and should not be grudged by people who make a profitable living on the Fields.

11. The restriction which the Mining Board desire to impose on the tenants of the huts belonging to the several Companies, by making them as well as those who are found in such huts, liable to account for the unwrought gold or mining material seized in such huts, is a legitimate demand. The Police have hitherto found it difficult to fix the responsibility on any one, owing to the dodges and subterfuges practised by the occupants of the huts

to

to evade the law.

12. The issue of licenses proposed for hawkers and pedlars is very desirable as these persons haunt the mines very often for buying illicit gold.

13. As regards the proposal to grant rewards to informants, I concur with the opinion of the Mining Board and Mr. Thomas, the District Superintendent of Police, that the measure would be attended with useful results and lead to better detection of gold thefts. It has a precedent in similar provision made in the Opium, Excise and Forest Regulations. If it is deemed necessary to limit the discretion of the Magistrate, it may be ordered that all rewards exceeding a certain sum in any one case should be subject to the approval

of

of the District Magistrate.

14. In the light of the above observations I consider that the additional provisions embodied in the draft amended Regulation are not conceived in harsher lines than the necessities of the case demands.

5 The newly added definition of "mining Block and the amended definition of "mines are clearly worded and are consistent with the powers proposed to be conferred on mine Superintendents for evicting after notice, strangers and unemployed men, under Section 18.

In section 14 the words "not being a female" appear to be unnecessary, as the punishment of whipping is governed by Section 393 of the Criminal Procedure Code which exempts certain other persons also in addition to females, from the

punishment

punishment of whipping.

16. One other important omission strikes me in the Regulation, that is, the power to levy any tax or cess within the Sanitary Board area. The old Mohatarfa rules are quite unsuited to the conditions prevailing on the Gold Fields and their vicinity, and it is necessary that Government should reserve to itself the power to levy any rate or tax within the area governed by the Regulation. The want of such a provision has been felt in the case of Robertsonpet and I was perforce obliged to recommend that the usual Mohatarfa should be levied.

17. herewith forward copy of

the

the opinion of the District Superintendent of Police as desired by you in para 4 of your letter under reply.

I have the honor to be
Sir
Your most obedient servant

B M Macnaghten
Deputy Commissioner and
District Magistrate.

Test

Enclosure
to (11)

1904-05.

From

P. B. Thomas Esquire
District Superintendent of Police
Kolar Gold Fields.

To,

K.P. Puttannachetty Esquire
Deputy Commissioner & District Magistrate
Kolar District.

Dated 16th March 1905.

No. 221.

---

Sir,

In answer to your No. 113/7 dated 9th Instant, I have the honor to state that I entirely agree with every one of the opinions expressed and the reasons given for them and that I have additions or modifications to suggest.

The enclosures received with the above are herewith returned.

I have the honor to be
Sir
Your most obedient Servant
(Sd) Percy B. Thomas
District Superintendent of Police
Kolar Gold Fields.

Copy"

K.P. Puttannachetty
District Magistrate
Kolar District
[illegible]

Oorgaum.

25.5.13.

Dear Mr Puttanna Chetty,

With reference to the proposed amendments to the Mining Regulations Mr Whitwell has asked for a form of gold Dealers' License. When the papers were sent up to the Dewan this detail had been overlooked.

There is a form of license which would in every way be suitable in the book I send herewith (Western Australian Mining Act 1904). You will find it on page 188 (schedule 38).

The important point is not the license itself, but the rules regarding registers details of purchase and sale and other similar checks and restrictions which the holders of dealers license will be

Compelled to observe.

The form of license indicated above would be quite enough to include in the draft amendment, provided either

The keeping of ~~[illegible]~~ registers etc is elsewhere laid down in the draft amendment

or 2 The Region Government would have power to frame its own Rules or bye laws ~~[illegible]~~ enjoining the keeping of such registers without reference to the Government of India

If the opposite is the case, then it would be necessary to send up with the draft Amendments a form of Register to be maintained by licensed dealers. You will find suitable form on page 189 of the book above alluded to (schedule 40).

I should think it would be quite sufficient to send up only the form of license (schedule 36). This is a simple form and is so comprehensive that it does not tie us down in any way as regards whatever conditions we may choose to attach to it and that is a great advantage.

Will you kindly forward this book sent herewith to Mr Wetherell together with your opinion on the matter. I have seen Mr Bowring about it and there is no necessity to make any further reference to him.

Yours sincerely

P. E. G. Thomas

Forwarded to the Officiating Secretary to the Government of H H the Maharaja of Mysore in the Geological Dept. The West Australia Mining Act 1904 is herewith sent.

I have studied the proposed amendments requiring gold dealers to take out licenses & maintain Registers The gold-dealer's license contemplated by the Australian Act is quite different from the one that is proposed for the Kolar Goldfields

I beg to enclose for approval draft schedules I & III framed with reference to local conditions & requirements

B M Hanumappa
Deputy Commissioner
Kolar Dt

Champion Reefs
26th May 1905

## Schedule. I

Conditions of License to be granted to Gold dealers under Section "8" of the amended Mines Regulation of 190

License is hereby granted to .....................
son of ......................resident of....................
to carry on the profession of a Gold dealer in ..............
under Sections "7" &"8" of the Mysore Mines Regulation......of
190 , subject to the following conditions:-

(a) Gold dealer means any person who buys or sells unwrought gold or receives unwrought gold by way of barter or pledge.

(b) That the said licensee shall carry on business only in a licensed premises, duly registered in the Office of the Assistant Commissioner and First class Magistrate, Kolar Gold Fields, and fitted with doors and windows opening into any public street or lane and not communicating with any quarters used as a human dwelling.

(c) That no business shall be carried on between the hours of sunset and sunrise.

(d) That the said licensee shall maintain a Register in the form prescribed in Schedule III, hereto annexed, and enter therein the transactions immediately they are made.

(e) That every licensee shall register in the said Office of the Assistant Commissioner and First class Magistrate-Kolar Gold Fields, the name and address of every person employed in his place of business to assist him in his profession and intimate the changes that may take place,from time to time, by dismissal or discontinuance from service of such persons.

(f) That the licensee shall send a true copy of all the entries in the Register, to be maintained by him under condition (d) supra, during each calendar month, to the District Superintendent of Police and the Assistant Commissioner and First class Magistrate, Kolar Gold Fields, within 7 days after the close of each month.

(g) That the premises of his business and the Registers maintained by him and the items of unwrought gold therein entered shallbe open to inspection, at any time, by any Police Officer not below the rank of Chief constable ~~or any Police Officer not below the rank of Chief constable~~ or any Police Officer specially authorised in this behalf by the District Superintendent of Police, Kolar Gold Fields, or by a Magistrate.

(h) That the license shall be liable to be cancelled under Section 9 of the said Regulation, if the above conditions are not complied with, or if the said First class Magistrate, Kolar Gold Fields, or the District Magistrate, for reasons to be recorded by them, consider that the license should be cancelled, and the licensee shall also be liable to the penalty for breach of any of the conditions, under Section 13 of the Regulation.

(i) That his license shall remain in force till the end of the official year ending 30th June 190 .

Dy Commissr

## Schedule III.

Form of Register which every person holding a Gold dealer's license on the Kolar Gold Fields is required to maintain under Section 10 (1) of the amended Mines Regulation, & condition "d" of the license.

| Date. | Serial No. of transaction. | Weight & probable Value of unwrought gold on hand on the date. | Weight and probable value of the unwrought gold purchased or otherwise acquired on the date. | Name and description of the person from whom unwrought gold was purchased or acquired on the date, with his signature. | Total of Cols: 3 + 4. | Weight and probable value of unwrought gold sold or otherwise disposed of on the date. | Name & description of person to whom unwrought gold was sold or disposed of on the date with his signature. | Weight & probable value of unwrought gold remaining on hand, at the close of the day. | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10. |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |

Dy Commissioner
Kolar Distt
26/5/1905

G.R.S. 34]

No. G 1513 Encl 3 files

# GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

## General and Revenue Secretariat.

(Legislation )

### Office Memorandum.

To

The Secretary to Government, Geological Department.

Dated Bangalore the 7th December 1906.

The accompanying papers belonging to the Geological Secretariat and which were received in this office in connection with the question of the Amendment of the Mysore Mines Regulation III of 1897 are herewith returned to that Secretariat, as they are no longer wanted.

By order,

For Secretary

SN

Put the files in their places

K 7.12.06

6/12

MGCPB—5,000—4-3-05

# NOTE.

As there is reason to think that a good deal of misconception exists in regard to the scope and objects of the revised Mines Regulation recently promulgated by the Mysore Government, it seems desirable to offer a few words of explanation on the subject.

2. In the first place it may be stated that this is no new regulation but only a consolidated amendment of a regulation that has been in existence for the past 9 years. The earlier Mines Regulation, III of 1897, which the new Regulation supersedes, was passed, as its preamble sets forth, to make special provision (1) to prevent the theft of mining materials in Mysore, (2) to prevent and punish the offence of receiving and disposing of stolen mining materials, (3) to make provision for preventing danger to human life or safety, and (4) for the sanitation of mines and their neighbourhood. The last two objects need not be further adverted to, as the necessity for securing them has not been questioned, and the provisions contained in the new Regulation on these points are to all intents and purposes a reproduction of those contained in the earlier Regulation.

3. The necessity for the legislation undertaken

in 1897 in regard to preventing the theft of, and the illicit traffic in, mining materials, ought not to require elaborate explanation for those conversant with the conditions of the Gold Mining industry in the Kolar Gold Fields or elsewhere, and the nature of the floating population, consisting of persons from all parts of the country, which such an industry is sure to attract to the locality where it flourishes.

4. The local extent of the Regulation of 1897, as of that of 1906, was stated to comprise the whole of the Mysore State; but the provisions in regard to the protection of Mining property were only intended to apply, just as in the case of the new Regulation, to such local areas as were to be specially notified for the purpose. It may be added that the area to which the special legislation of 1897 was extended was a circumscribed tract round the Kolar Gold Fields, and that it is to this very tract that the revised Regulation has also been extended recently. There is not the least likelihood of the area of its operation being enlarged beyond absolute requirements, viz., the mines proper and their immediate neighbourhood.

No 158

Mysore Geological Department.

To the Dewan of Mysore for orders.

Subject - Amendment of the Mysore Mines Regulation III of 1897.

In accordance with your instructions on my memo No. 111, dated the 14th February 1905, I prepared a draft of an amended Mines Regulation to replace sections 1 to 10 of the existing Regulation embodying the suggestions and amendments proposed in the letter of February 11th 1905 from the Kolar Gold Field Mining Board.

This draft (Draft I) I forwarded to Mr. Chandrasekhara Aiyar Deputy Secretary, for favour [illegible] his opinions and suggestions and received the same back from him with his letter No. J. 2502 of the 1st of March 1905.

I have adopted the alterations and suggestions made by Mr. Chandrasekhara Aiyar and embodied them in Draft II, a copy of which is submitted herewith for further action, in which the new portions are underlined in red ink.

I have also forwarded copies of this Draft II to the Deputy Commissioner of Kolar, the Superintendent of Police, Kolar Gold Field, and to the Kolar Gold Field Mining Board and have received from them the marginally noted letters expressing approval of the proposed measure.

The Deputy Commissioner, Mr. Puttanna Chetty, in his letter No. C 536 of April 1905 discusses the proposed measure at some length and adduces various strong reasons as to the necessity for and desirability of further legislation of a specially restrictive character within a limited area surrounding the Kolar Gold Field in order to successfully cope with the large and growing trade in gold and auriferous material stolen from the Kolar mines and in para 14 of his letter he sums up by saying -

> "In the light of the above observations I consider that the additional provisions embodied in the draft amended Regulation are not conceived in harsher lines than the necessities of the case demand".

In paras 15 and 16 of the same letter the Deputy Commissioner himself proposes certain amendments which may, I think, be finally dealt with in the Legislative Department.

So far then we have the request of the Kolar Gold Field Mining Board for further legislation with suggestions as to points of detail upon which such legislation is required and with a statement of the reasons which have induced the Board to prefer their request. We have also the approval of the Deputy Commissioner of Kolar, the Superintendent of Police of the Kolar Gold Field and the Kolar Gold Field Mining Board of Draft II, which I have drawn up in consultation with Mr. Chandrasekhara Aiyar as a revised measure to be substituted for the first 20 sections of the existing Regulation.

It remains now for me to state my own opinion in the matter and to set forth some explanation of the various clauses which have been embodied in Draft II after which, I presume, the draft will be circulated to the Council and finally dealt with in the Legislative Department where a formal statement of objects and reasons will be prepared for submission to the Government of India.

I entirely agree with the Mining Board and with the Deputy Commissioner and Superintendent of Police as to the need for further legislation for the protection of mining property. My own experience during the past seven years has shown me that there is a very large leakage of gold from the Kolar Field and I am convinced that the leakage will increase unless sufficiently repressive measures can be found to check it. The first step obviously is to render the removal of gold from the mining area as difficult as possible and it is the object of the proposed amended Regulation to effect this. The existing Regulation has undoubtedly proved useful in that it prohibits the possession within the mining area, of such obvious mining materials as sponge gold, amalgam, auriferous quartz &c. and that it provides for the licensing of goldsmiths. It fails however as soon as any of these auriferous materials have been converted into bar gold and the result is that the gold thieves are careful now to convert the stolen material, by cleaning and melting, into bar gold as soon as possible. Once this has been done it requires a long, tedious and expensive analysis to show that such bar gold is mining property and even when this has been done the evidence as to the character of the gold, which is of a very technical nature, frequently fails to appeal with sufficient weight to the Court. To remedy this grave defect the amended Regulation proposes to make the possession of bar gold illegal within the mining area except under cover of a license. This will go a long way towards making the illicit traffic in gold more difficult and cannot in itself be regarded as an unduly repressive measure. There is no good reason why persons residing within the mining area should possess or deal with bar gold - or more generally with "unwrought gold" which is the term used in Draft II - unless such person is either a goldsmith or a gold dealer and these latter, if they wish so to deal, can do so under a license and if they elect to reside within the mining area they can have no reasonable grounds for objecting to take out a license and to keep proper accounts and registers.

In thus restricting the possession of, and dealing with, unwrought gold we shall only be following the example set by other countries where such special restrictions have been adopted side by side with, and in addition to, ordinary British Law. Such countries are the Transvaal, and some of the Australian colonies.

In the Transvaal the law at present in force is No. XV of 1898 and I enclose an extract from the Draft Ordinance which is now to be introduced into the Transvaal Legislative Council in supersession thereof and which covers practically the same ground (See enclsore 1).

In Western Australia the Mining Act of 1904 - Part IX - also prohibits the dealing in gold except under license (see copy enclosed, enclosure 2) and the Bill ~~institutes~~ intituled an Act to further amend the Police Act, 1902, ~~which~~ provides further restrictions as to possession (see copy enclosed, enclosure 3). In

Victoria "An Act to license gold buyers" - No. 1780 - prohibits the dealing in unwrought gold except under license (see copy enclosure 4).

There is thus plenty of precedent in English speaking countries for restricting the possession of and dealing in "unwrought gold" and these restrictions apply to the whole area of the countries concerned, whereas in Mysore we are at present restricting the legislation to a small area surrounding the Kolar Gold Field the whole industry of which is essentially dependent on the gold mining industry.

The actual restrictions proposed are contained in sections 7 to 12 inclusive of Draft II and include nothing for which this is not a precedent elsewhere and nothing which can be considered as unduly hampering any legitimate trade which may exist in the mining area.

The next important point has reference to the liability of persons in whose possession or in whose premises unwrought gold or mining materials are found and the clauses chiefly affecting this are to be found in sections 16 and 17 of Draft II.

These clauses are of the utmost importance and without them the sections which prohibit the possession of unwrought gold and mining materials must remain largely imperative as is at present the case with the existing Regulation.

On this point the opinion of the Deputy Commissioner of Kolar, as expressed in paras 6 and 11 of his letter No C 536 of April 1905, is most valuable and it is well known that mining materials are frequently found in the huts of coolies who can evade the law with impunity by simply denying possession. Sections 16 and 17 of Draft II provide in some measure against this undesirable state of affairs by permitting the Magistrate to throw the burden of proof upon the person or persons who are reasonably suspected of possessing or dealing in prohibited materials. The mere fact that the Court is empowered to adopt such a course, even though the power is never exercised except in flagrant cases, will undoubtedly form a very efficient safeguard and will clear the huts of the mining coolies of most of those illicit materials which they are at present known to contain and which are housed there almost with impunity. Equally stringent measures have been found necessary elsewhere as shown by sections 2 to 5 inclusive of the "Act to further amend the Police Act, 1892" of Western Australia (enclosure 3.)

Section 18 of Draft II aims at the weeding out from the mine area of the numerous loafers, budmashes and undesirable characters, who have no legitimate occupation and who are for the most part well known to the Police. The huts on the mining blocks and the Cooly Colonies on Government land are put for the accommodation of those engaged in mining operations. It is difficult enough to find decent accommodation for all of these without having to provide for a number of persons who are not required in connection with legitimate mining work and who are probably engaged in crime. That such persons should be liable to be ordered off these premises is a most reasonable request to which, I think, no objection can be offered.

Sections 19, 21 and 22 of Draft II are, I think, all very reasonable and do not call for special comment.

In conclusion I trust that Government will give this matter their most favourable consideration and will obtain early sanction from the Government of India for the introduction of the amended Regulation. The amendments proposed have been very carefully considered and have the approval of those most intimately acquainted with the mines, both official and non-official, the need for such special legislation is a convincing one and the present loss to the mining Companies and to Government is very considerable and is likely to increase unless checked, the area to which it is to be restricted is very small and there is ample predent for all that has been asked for in other countries in which British Law prevails and where the persons directly affected are themselves British subjects.

Original in File No. 4 ~~28~~ of 1904-05.

Letter No. J. 296/Legis. dated 25th July 1905, from B.K. Venkatavarada Iyengar, Esquire, Secretary to the Government of His Highness the Maharaja of Mysore, General & Revenue Departments, to the Secretary to Government, Geological Department.

I am directed to forward for your information 3 copies of the Draft Mines Regulation with a copy of the statement of Objects and Reasons, as proposed to be adopted by Government and to request you to be kind enough to furnish early a set of rules thereunder, embodying therein all the rules issued from time to time under the existing Mines Regulation with suitable or necessary modifications. The Draft Rules may obligingly be sent in manuscript at a very early date for scrutiny by the Legislative Department.

Serial No.

Summary of Points urged in the R.A. regarding Statement of General Principles of the Bill further to amend the Mysore [illegible] Regulation

Mr B. Narasimha Rao

The enquiries should be entrusted to the Special Magistrate and not to the Police

Even though the Magistrates enquiry might be summary an appeal to the Chief Court should be provided to test the order in the Chief Court. He had no objection if an appeal was provided to the Sessions Court instead of to the Chief Court.

Cl.(3) provides for a continuous punishment which was not justifiable

Clause (e) of the definition of the term 'undesirable' should be removed and only persons who were ~~[illegible]~~ convicted more than once should be included in the definition

Mr N. G. Sanjeeviah.

Clauses (c) and (e) of the definition of undesirable were harsh and should be removed.

Mr D.S. Mallappa

The police should not have

Dewan:- A power of appeal to the Sess. might be provided
Second Member
No objection to entrust the enquiry to D.M. but it is not possible to provide for an appeal to the Ch. Ct. It can be said that even if the power was transferred to the Magistrate there would be certain points of objection which the Council would like to think over.

The I.G. of Police explained how the enquiry cannot be entrusted to Magistrate and explained how injustice is prevented by allowing an appeal to the D.M. This was generally approved by Mr B. Narasimha Rao who suggested that D.M. should test the conduct of the accused on the perusal of the Police diaries alone.

powers proposed in the Bill to be exercised by them unknown procedure for legal interventions

In winding up the Member said that except perhaps one or two small changes the Govt could not accept all the suggestions made by the Members.

Mr. Bhagamane Deve Gowda.

In Sub Section 1 the power may be vested in the Special Magistrate instead of the D.S.P. so as to allow the proceedings to be more legal.

(2) Before making an order under sub-section (1), the Superintendent of Police shall

(a) cause a notice to be served on the person concerned, in the manner provided in Chapter VI of the Code of Criminal Procedure for the service of summons, indicating why his presence in the area specified therein is considered undesirable and calling upon him to show cause within the period fixed in the notice why he should not be directed to quit the said area, and

(b) record his objection and the evidence in support of it, if any, he may offer.

Mr. Girimaji Rao:- Kolar
Suggests the substitution of the following:-

(2) Before making an order under subsection (1) the Magistrate shall

(a) cause a notice to be served on the person concerned, in the manner provided in chapter VI of the Code of Criminal Procedure for the service of summons, indicating why his presence in the area specified therein is considered undesirable and calling upon him to show cause within the period fixed in the notice why he should not be directed to quit the said area, and

(b) record his objection and the evidence in support of it, if any, he may offer.

(3) Where the person against whom an order is made under this section after inquiry as provided in sub-section (2) is a subject of His Highness the Maharaja owning land, assessed to land revenue or paying any tax or rate to the Government or to any local authority, the order shall be in force for a period of six months only provided that this period may be extended from time to time by further orders passed after fresh inquiry in conformity with the procedure laid down in sub-section (2).

Mr. Gurmaji Rao - Kolar
suggests the substitution of the following:-

(3) Where the person against whom an order is made under this section after enquiry as provided in such section (2) considered undesirable and if he is a subject of H.H. the Maharaja owning land assessed to Land Revenue or paying any tax or rate to the Government or to any local authority, the order shall be in force for a period of six months only provided that this period may be extended from time to time ~~be~~ by further orders passed after fresh enquiry in conformity with the procedure laid down in sub section (2)

70 ~~69~~

(4) Nothing herein contained shall be deemed to invalidate an order made without inquiry as provided in sub-section (2) where, in the opinion of the Superintendent of Police, the interests of the Gold Mining Industry demand the immediate removal of the person affected thereby.

Mr. Giri mayi Rao. Kolar
suggests the substitution of the following:-

(4) Every order made under this section shall be in writing and shall contain a statement of the reasons thereafter.

Rajasababhushana
K.R.Srinivasiengar,

(Vide sub-clause 5).

(5). An order made under sub-section (4) shall be in force for a period of one month only unless a further order in conformity with the procedure laid down in sub-section (2) is sooner passed.

Mr Girimaji Rao. Kolar

Suggests the substitution of the following.

(5) An order made under this section shall be appealable to the High Court by the aggrieved party.

Rajasababhushana
K.R.Srinivasiengar.

Suggests that sub-clauses(4)and(5)may be modified as follows:-

"Where owing to the difficulty of serving the notice prescribed in sub section (2) (a) or for any other cause, the enquiry is likely to be delayed and the immediate eviction of the person concerned is considered necessary in public interests, the Superintendent of Police may, pending the result of the enquiry, pass an ad interim order of eviction, provided that such order shall not remain in force for a period exceeding one month".

(7) An order made under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

*Explanation.*-No person shall be deemed to be an undesirable resident for the purpose of this section unless--

(a) He has been previously convicted of —
  (i) an offence punishable under Section 13 of this Regulation, or
  (ii) theft of mining material or dishonestly receiving or retaining stolen mining material, or

(b) There is grave suspicion of his complicity in committing theft of or dishonestly receiving or retaining stolen mining material, or

(c) He is a disorganiser of labour, or

(d) He has no ostensible means of subsistence, or

(e) His presence on the Kolar Gold Fields may otherwise be a source of danger or loss to the Gold Mining Industry."

Mr Girimaji Rao - Kolar
suggests the substitution of the following

Explanation:-

No person shall be deemed to be an undesirable resident for the purpose of this section unless-

(a) He has been previously convicted of —

(1) an offence punishable under section 13 of this Regulation, or

(ii) Theft of mining material or dishonestly receiving or retaining stolen mining material, or

(b) There is grave suspicion of his complicity in comitting theft or dishonestly receiving or retaining stolen mining material, or

(c) He is a known disorganiser of labour, or

(d) He has no ostansible means of subsistance, or

(e) His presence on the Kolar Gold Fields may otherwise be a source of danger or loss to the gold mining industry".

~~(2) The addition to sub section (2) of section 33 of the Regulation may be retained.~~

Mr. Bagamane Deve Gowda.

In Sub cluae(a) (ii) the theft or detention of Mining Material may be very insignificant or of no value. It may therefore be provided to apply only to the materials of value.

In cluae (c) there must be scope for considering the intention of the man who may be called "a disorganiser of labour".

In clause (e) the word "substantial" may be inserted before the word "loss".

2. To sub-section (2) of Section 35 of the Regulation the following clause shall be added:-

"(c) Power to write off as irrecoverable, subject to such conditions as the Government may prescribe, sums due on account of any tax, rate or cess or the costs in recovering such tax, rate or cess."

Mr Girimaji Rao – holds. 'may be retained'.

GENERAL.

Mr. K.T.Satyanarayana Setty.

The Bill has to be placed again before R.A.

Mr. Rutherford.

I can see little that can be objected to in the proposed Bill by any one who has honest intentions. The Bill throws too much responsibility in the hands of one man i.e. the Superintendent of Police, especially as he is also given jurisdiction over such persons as come under (c) and (e) of the explanation which appear to be matters for dealing with by the Special Magistrate in conjunction with the Police and the Mining Authorities.

The Bill is reasonable and relaxes the vigour of the original Regulation.

Mr. Bagamane Deve Gowda.

Unless the Bill is altered in the manner suggested it will not in my opinion satisfactorily improve the provisions of the original bill, so as to give necessary help to the public, the object with which the amendment was sought.

Mr. K.R.Srinivasiengar.

As the bill is now drafted a final order of eviction can be passed by the Superintendent of Police against an undesirable for a period of one month without giving him an apportuni to show cause against the order. While recognising the need for prompt action to evict a person from the Mining Are in public interests, I consider that any such action must be only in the form of an *ad-interim* order subject to any final orders that may be caused later after proper enquiry, and that no final order of eviction for however a short period should be passed without an enquiry , as which is one of the elementary principles of justice that no man should be condemned *exparte* without notice .

Subject to the observations made by me I agree to the proposed bill.

General continued.

Mr. K.Chengalaraya Reddy.

The Section under consideration is one of emergency type. It exists there more owing to over-sensitive and mistaken solicitude for the welfare of the Mining Companies than for any other reason. I am strongly opposed to the existence of the present section.

But if the Government persists in holding the view that the section should remain, I may state that the proposed amendment is not sufficient to mitigate the rigour of the section.

It ought to be made clear beyonf doubt who is "an undesirable perso That phrase ought to be exhaustively defined. The use of the comprehensive word " otherwise", will have the effect of leaving the definition very indefinite and vague. Further the area in which this section will be operative must be greatly minimised confining it only to "danger-zones" .

And finally people owning lands building or any other property in the area or who have any other substantial stake in the said area, must be totally excluded from the scope of this section, since in all such cases the ordinary law of the land will be quite sufficient to book them when they go wrong and since an order under this section to quit within 24 hours os the issue of the order will act as a tremendous hardship in all such cases.

~~Lefis.~~ ITC

D1366

Geol 11-24-1

78

No.20. Amendment of Sec.17 of the Mysore Mines Regn.1906.

by

Mr.M.Narasinga Rao, K.G.F.

" K.Ramegowda, Bowringpet Taluk

The District Superintendent of Police K.G.F. is empowered to summarily evict undesirable persons on the K.G.F., if he thinks that a person is a non-employee in the said area. There is thus scope for eviction of ordinary ryots paying kandayam to Govt. who are residents of the villages in the K.G.F. area. This is very prejudicial to the ryot classes of residents. It is prayed that Sec.17 of the Mines Regn. may be suitably amended.

W. K. Ramegowda

The person to be evicted should be given a hearing before a Law Officer, before steps are taken to evict him.

Remarks by the Dy.Commr.

I am not in favour of the suggested abrogation. The rule is worked with great consideration and an appeal lies to the District Magistrate.

1 SEP 1924
INDUSTRIES & COMMERCE BRANCH

Secretariat Note

This is a special power which has been given to the Supdt. in view of the peculiar conditions of the Gold Field. The power of the Supdt. is only to give a notice to quit the place & failure to do so is punishable only after an enquiry by the Magistrate. Against the issue of the notice itself, there is an appeal to the District Magistrate.

S5550

~~40~~ 32/12 ~~11/~~ 79

Geol 41-24-4

## FORM I.

Memorandum of subjects proposed for discussion in the Birthday Session
of the Representative Assembly of the Kolar District. Kōlar.
For the Birthday Session of June 1925.

No: 10

Subject: Amendment of Section 17 of the Mysore Mines Regulation.

Name of member who proposed the subject

Mr. M. Narasingarao.
Kolar Gold Fields Sanitary Board area

4/5/25

Summary of Representation.

Section 17 of the Mysore Mines Regulation authorises the District Superintendent of Police to issue notice to any person residing in the Sanitary Board area to quit the said area within 24 hours. This has been causing great hardship for kandayam paying ryots and rate-payers as they also come within the operation of the said Section. Therefore it is prayed that the said Section may be suitably amended exempting the kandayam paying ryots and rate-payers from the operation of the said section.

Previous references relating to the subjects.

Remarks by the Deputy Commissioner.

I do not consider any amendment necessary. I am personally scrutinising every case which is brought up in appeal before me and care is taken to work the provision with due consideration. It is a reserve power which is quite necessary, for minimising traffic in illicit gold.

7-MAY 1925
INDUSTR COMMERCE

entire

Draft

Genl 41-24-5

80

## SUBJECT FOR DISCUSSION IN THE BIRTHDAY SESSION OF THE REPRESENTATIVE ASSEMBLY OF JUNE 1925.

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**SUBJECT NO.**

Amendment of Section 17 of the Mysore Mines Regulation.

**NAME OF MEMBER.**

Mr. M. Narasinga Rao ~~of~~
Kolar Gold Fields,
Sanitary Board area.

**SUMMARY OF REPRESENTATION.**

Section 17 of the Mysore Mines Regulation authorises the District Superintendent of Police to issue notice to any person residing in the Sanitary Board area to quit the said area within 24 hours. This has been causing great hardship for kandayam paying ryots and ratepayers as they also come within the operation of the said Section. Therefore it is prayed that the said Section may be suitably amended exempting the kandayam paying ryots and ratepayers from the operation of the said section.

---

## SECRETARIAT NOTE.

--0):(0--

Under Section 17 of the Mines Regulation, the Superintendent of Police, Kolar Gold Fields, may, by order in writing, direct any person considered undesirable to quit the area notified by Government (from time to time); such area is not conterminous with the Sanitary Board areas mentioned in the representation. Kind attention is also invited to Section 4 of the Mines Regulation which lays down that the provisions of sections 5 to 20 shall not apply to any local area unless extended thereto, by the Government by means of a Gazette Notification. In the Government Order of 11th December 1915 the operation of Section 17 has been extended to certain areas round the mines, as it was considered necessary to evict the undesirables who would take up their abode in the outskirts of the mines, once they were served with notices to quit ~~from~~ the mines.

Robertsonpet.
Andersonpet.
Oorgaum Village
Krishnagiri Line and
Frank and Company
Line.

There is provision under-Section 17 for an appeal to the District Magistrate against the order of the Superintendent of Police, Kolar Gold Fields.

Memo No. I.C. 7729 Dated, Bangalore 16/ May 1925.

Genl 41.24.5

Copy of the above is forwarded, with compliments, to the

P.T.O.

the Secretary, Representative Assembly and Legislative Council.

By Order,

for SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT.

~~8~~ ~~8~~ 82

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,**

**General and Revenue Secretariat,**

*Dated, Bangalore* 18/5/25

*No.* R 6357-60 of 24
G.A. 49-24-2

GEN. & REV. SECRETARIAT
19 MAY 1925
INDUSTRIES & COMMERCE BRANCH.

~~577~~
5787

Geol 41-24-6

## OFFICIAL MEMORANDUM

Iw: 9

The accompanying statement of promises made at the last Dasara Session of the Representative Assembly
for favour of necessary
is forwarded/further action.

By order,

For Secy. to Govt. L.&L. Depts.

To

The Industries & Commerce Branch
G R S

18/5

| Reference. | Promise. |
|---|---|
| 9. Sub.No.59.Amendment of Sec.17 of the Mysore Mines Regulation. | Government have no information on this subject at present. They will obtain statistics as to the number of such cases within the past five years, how many of them were outside people and how many local ryots and then consider what remedy is necessary. |

"Extract"

For Secretary to Govt
Local & Legislative Departments

~~R~~ 12 84

SUBJECT

Section Geol

File No. 41-24

Serial No. 3

Diary No. of letter replied to

No. G. C. 7613

General and Revenue Secretariat

( )

, the 192

To The Dt. Magistrate
Kolar

Date of issue 2/5/25

Signed by M. V. V. Charya

Sir,

In inviting attention to subject no. 59 of the R. A. Session of October 1924, & the reply of Govt. thereto, ~~I am directi~~ I am directed to request you to furnish information on the following points:—

1) No. of Cases falling under Sec. 17 of the Mysore Mines Regn. and ~~tried~~ dealt with by the Dt. Supdt. of Police, K. G. F. for the last 5 years

2) how many of such

List of enclosures

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Examined by

over

#385

men, were outside people &

3) how many local ryots

The favour of an early reply
is requested.

I have &c

WT
1/15

Secy to Govt
Rev. Dept

46962

5/6 86
1

No. Jc. 422/24-25 encl.
Encs.

Office of the District Magistrate,
Kolar District.

Dated Kolar, the 16th May 1925.

X 5756

GEN. & REV. SECRETARIAT
18 MAY 1925
INDUSTRIES & COMMERCE BRANCH

Genl 41-24-7

From

S. HIRIANNAIYA, Esq., M.A., B.L.,
District Magistrate, Kolar District.

GENL. SECTION
Br.
18 MAY 1925

To

The Secretary to Government,
Revenue Department, Bangalore.

Sir,

With reference to your letter No.I.C.7413/General 41-24-2 dated 2-5-1925, regarding the number of undesirable notices served during the last five years under section 17 of the Mysore Mines Regulation, I have the honour to forward herewith, a statement, giving the particulars required.

I have the honour to be,
Sir,
Your Most obedient setvant,

Ramachandra Rao

For District Magistrate,
Kolar District.

## STATEMENT SHOWING NUMBER OF PERSONS SERVED WITH UNDESIRABLE NOTICES UNDER SECTION 17 MYSORE MINES REGULATION FOR the LAST 5 YEARS FROM 1ST MAY 1920.

---

| Local ryots. | | Outsiders. | | Total. | | |
|---|---|---|---|---|---|---|
| Served. | Cancelled. | Served. | Cancelled. | Served. | Cancelled. | |
| 4 | Nil. | 116 | 37 | 120 | 37 | |

Ramachandra Rao
For District Magistrate.
Kolar Dt
CB

Oorgaum,

11th May 1925.

Asst. Supdt. of Police,

Kolar Gold Fields.

188/11

For the meeting of the Legs

D. 5932 88

Ecd 41-24-

Resolution by Mr.B.Narasinga Rao.

---------

That this Council recommends to Government that steps may be taken to repeal Sec.17 of the Mysore Mines Regulation.

I Member)

This may be submitted with the previous papers.

read the three Judges.

I believe some of our officers [illegible] recently about the no. of persons dealt with under Sec 17 [illegible]

The [illegible] is not be [illegible]

[illegible] 27/5

Reg 29/5

---

For the Legislative Council

D. 5932

30 MAY 1925

Ecd 41-24-8

Resolution by Mr.B.Narasinga Rao.

---------

That this Council recommends to Government that steps may be taken to repeal Sec.17 of the Mysore Mines Regulation.

Memo. 5197-9 of 28/5/25

Immediate

The ~~above~~ Resolution which has been admitted is forwarded with Compliments to the Revenue Secretary to Govt for information and necessary action.

R. Rangachar

Secretary, Legislative Council.

Reg 29/5

XA

General and Revenue Secretariat,

D.O.No. Dated, Bangalore, May 1925.

Dear Sir,

I return herewith your office file No 43 of 04-05 relating to amendments to the Mysore Mines Regulation received with your D.O. No.1540 dated 4th April 1925.

Yours Sincerely,

M. Vijayaraghava

CW -
There is a memorandum by Mr B Narayan 89
to be moved the ahead
Rao about 4 the Reg. -
of Sec 17 need not be
The file next
Send

B. Jayaram, Esq., F.G.S.,
Director of Geology in Mysore,
Bangalore.

NSG.

App.F.VI-G1.]

SUBJECT ........................................ 90

Section

File No.

Serial No.

Diary No. of letter replied to 4934

D.O. No.

General and Revenue Secretariat

( )

, the 192

To

Date of issue

Signed by

Dear Sir

I return herewith your office file no. 43 of 27-28 relating to Amendments to the Mysore Mines Regulations received with your D.O. no. 1540 d/ 4/4/28.

Yours sincerely

& 29/5

To B Jayaram Esqr ~~R. Srinivasa Chetty Esqr~~

~~Office Superintendent~~

~~Offg~~ Dir. of Geol.

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Examined by

over

Extract from the Letter dated 11th February 1905 from the Secretary, Kolar Gold Field Mining Board, Oorgaum, to the -- Secretary to Government, Geological Department, Bangalore.

x x x

Tresspass on Mines and Mining Blocks to be made criminal.

13. The view now held by the Courts is, that the Penal Code definition of criminal trespass does not apply to the case of an unemployed person, who, having been warned off Mine property, is again without reasonable cause found thereon It has been ruled that the necessary element of annoyance is wanting. This view of the law operates very prejudicially in a Mining Camp. The Police can lay hand at any moment on "vagabond undesirables" frequently all parts of the Mine - particularly the huts and Camps of the Mine employees. These Camps are erected for their labourers by the Companies, who keep them under supervision and allot them to particular -- occupants. They are in close proximity to the Mills, the Shafts, Storehouses, &c., and the pathways from the Camps to the main roads pass through the busiest parts of the -- various Mines, where valuable property, including rich quartz, is being constantly and openly handled. It seems an anomaly that under these circumstaces the Superintendent of a Mine should not be empowered to prevent any but authorized persons from frequenting any part of the Mines including the Camp. Such a state of things would not be tolerated in any large Government works.

The only remedy now open is to take proceedings under the security Sections of the Code of Criminal Procedure, but even in towns and rural districts this procedure is cumbrous and difficult to work. How much more so in a Mining Camp, which is the resort of bad characters from distant parts; - where there is no settled population with vested interests in houses or land; where each hut is a temporary abode, and no one knows or cares what his neighbour is doing or whence he

~~54~~ 92

comes. Under such conditions evidence of character canno possibly be obtained to the satisfaction of a court. All possible means have been tried to rid the Mines of known bad characters, but they have failed, and nothing will serve bu a section making tresspass criminal on the part of an unemployed person who has been warned off Mine property by the Superintendent of the Mine or other duly authorised Mine Officer. A -- Section should be framed to meet these very necessary requirements. There are also cool~~ie~~y colonies off the Mining Blocks to which similar legislation ought to be extended. These colonies are the resort of questionable characters of all classes who find it convenient to lodge near valuable Mine property in haunts where they can easily conceal their identity. The area to which this section should be extended under Section 3 of the Act would include only the Mining blocks, Government buildings, and the cooly colonies.

x x x

Extract

W. Rangachari

For Secretary to Govt.
Rev. Dept.

VI-G1.]

~~15~~
93

SUBJECT

Section Geol

File No.

Serial No.

Diary No. of letter replied to

D.O. No. 6452

General and Revenue Secretariat

( )

, the 192

~~To~~

Date of issue 28·3·25

Signed by M.V.V.

Dear Sir

I am ~~directed~~ desired to request you to be good enough to send, for ~~some~~ urgent reference ~~& return~~ the Geol. Dept. file containing the then Geol. Secy's note no. 15-G of 4.5.05 proposing the introduction of a new section, viz. 18, of the draft Mines Regulation. (Now Sect. 17 of Regn. IV of 1906) re the liability of undesirable

List of enclosures

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Examined by

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#94

to be ordered off any mine
or cooly colony

I am also to request you
to ~~forward~~ kindly send
any foreign acts or Regulations
on the ~~subject~~ relating to control over mines if available

Yours &c

2

WA 2/12

2/

B. Jesserum Esqr. F.G.S.
Dec 2 Calt

95

D.O. No 1540

Enc: 1 File No 43 of 04-'05.

MYSORE GEOLOGICAL DEPARTMENT,

~~15~~ 4

Bangalore......4th......April...1925.

u.4.25

GEN. & REVENUE SECRETARIAT
4934
4 - APR 1925
INDUSTRIES & COMMERCE
BRANCH

Dear Sir.

In compliance with your D.O. letter No.I.C.6452, dated 28th March 25, I have the honour to forward here with this office file No.43 of 1904-5 titled 'Amendments to the Mysore - Mines Regulation' in which will be found the Geological Secretary's Note No.158, dated 4th May 1905, proposing certain amendments in the Regulation. The file may kindly be returned to me when done with.

Regarding copies of Acts etc. relating to mines in foreign countri I regret to state that we are not in possession of the more recent ones.

Yours sincerely,

To

V. Vedavyasachar, Esq.,B.A.,
General & Revenue Secretariat

96

Issue & Submit.

Section Geol

File No. 41-24

Serial No.

Diary No. of letter replied to

No. 1 C. 8326

General and Revenue Secretariat

( )

, the 192

To The Secy R.A. & L.C.

e of issue 11/6/25

ıed by M. V. V. Chary

Sir

I am ~~[illegible]~~ directed to intimate that the First Member of Council will be in charge of the resolution, to be moved by Mr. B. Narasinga Rao at the ensuing of Legis. C., recommending the repeal of Sec. 17 of the Mysore Mines Regn.

I h. &c.

11/6

Asst. Secy.

11.6.

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